



LOUISIANA PUBLIC DEFENDER BOARD

BOARD MEETING

Tuesday, March 24, 2015

LSU Law Center, 2nd Floor, Tyson Room, 2:00 pm

Baton Rouge LA 70806

AGENDA

1. Call to Order and Remarks of the Chairman
 - a. Appointment of Stephen Singer
 - b. Appointment of Herbert Larson
 - c. Appointment of Franz Borghardt
2. Call for Public Comment
3. Adoption of the Agenda* pg. 36 - 37
4. Review of the January 13, 2015 Meeting Minutes* Tab 1, pgs. 38-43
5. Ratification of Board Issues: February 10, 2014 – January 13, 2015*
6. Executive Session¹, ²*
7. Changes to DAF – FY16*
8. Budget and Fiscal Issues and Committee Recommendations Tab 2
 - a. Financial Report* pgs. 44 - 48
 - b. Executive Budget Recommendation, FY 16 pgs. 49 - 52
 - i. Proposed Resolution – Position Cuts* pgs. 53 - 54
 - c. FY15 – Year End DAF Update
 - d. DAF – FY 2016*
 - e. Capital Program Contracts – Amendments* pgs. 55 - 56

¹ The Board may vote to go into executive session pursuant to La. R.S. 42:16 and 42:17 (formerly La. R.S. 42:6 and 42:6.1), by a two-thirds vote of the members present. The executive session is limited to matters allowed to be exempted from public discussion pursuant to La. R.S. 42:17, including character and professional competence of a person; provided, however, such person(s) may require that such discussion be held at an open meeting pursuant to La. R.S. 42:17(A)(1). No final or binding action will be taken during executive session. The Board may or may not discuss the applicants for the District Defender position in District 17 (Lafourche Parish), District 16 (Iberia, St. Martin, St. Mary Parishes), and the status of the searches in District 33 (Allen Parish), District 2 (Claiborne, Iberville, Jackson Parishes) and District 3 (Lincoln, Union Parishes), and public records request in District 22nd.

² The Board may vote to go into executive session pursuant to La. R.S. 42:16 and 42:17 (formerly La. R.S. 42:6 and 42:6.1), by a two-thirds vote of the members present. The executive session is limited to matters allowed to be exempted from public discussion pursuant to La. R.S. 42:17, including strategy sessions with respect to litigation and prospective litigation after formal demand. In accordance with La. R.S. 42:19(A)(b)(iii), the Board may discuss the following: State v. Barthelemy, 11th JDC, Dockets: 13-CR-072667, 668 and 669; State v. Kenneth Willis, Docket No.: 304,806, Division 3, Caddo Parish; State v. Tarika Wilson, Docket No.: 315,973, Division 1, Caddo Parish; State v. Stacey Blount-Juneau; State v. Finister, et al, 19th JDC, Docket: 04-14-0380, 2014-KW-1440; State v. Arkansas, Docket: 330,655, 1st JDC, Caddo Parish.

f.	ABA Proposal – Work Load Study Funding*	pgs. 57 - 79
g.	Ratification – JLCB Report*	pgs. 80 – 85
9.	District Defender Appointment(s)	Tab 3 , pg. 86
a.	District 16	
i.	Ratification of Appointment of Interim and Salary*	
ii.	Appointment and Salary of District Defender*	
b.	District 17	
i.	Ratification of Appointment and Salary of Interim*	
ii.	Appointment and Salary of District Defender*	
c.	District 33 –District Defender Selection Status*	
d.	District 2 – Ratification of Appointment of Interim and District Defender Selection Discussion*	
e.	District 3 – Ratification of Appointment of Interim* and District Defender Selection Discussion	
10.	Policy Committee Reports and Recommendations	Tab 4
a.	Revised Expert Witness Funding Request Protocol*	pgs. 87 - 91
b.	POLICY: DAF Annual Distribution*	pg. 92
c.	RESOLUTION: Proposed Board Support*	pgs. 93 - 94
d.	POLICY: Juvenile ROS*	pgs. 95- 97
11.	Juvenile Strategic Plan Development*	Tab 5
a.	Proposed Resolution*	pgs. 98 -99
12.	Restriction of Services - Update	
a.	Districts in Restriction	
b.	Crisis Intervention/Strike Force	
c.	Website	
13.	Public Records Request	
14.	Capital Punishment Fiscal Impact Commission - Update	
15.	Open Meeting Law – Capital Certification Appeals Panel	
16.	Legislative Session, 2015	
17.	Ethics Reporting – Due annually May 15	Hand Out
18.	SPD Report	Tab 6
19.	Other Business	pgs. 100-107
10.	Next Meeting(s)	
21.	Adjournment*	<i>*Requires Board Action</i>



LOUISIANA PUBLIC DEFENDER BOARD

BOARD MEETING

Tuesday, January 13, 2015
LSU Law Center, 2nd Floor, Tyson Room
Baton Rouge LA 70806
2:00 p.m.

DRAFT MINUTES

1. Call to Order and Remarks of the Chairman. A meeting of the Louisiana Public Defender Board, pursuant to lawful notice, was duly convened and called to order by its Chairman on Tuesday, January 13, 2015, at 2:10 p.m. at the LSU Law Center, Tyson Room, in Baton Rouge, Louisiana.

The following Board members were present:

Robert Burns

Leo Hamilton

Herbert Larson

Jacqueline Nash

Gina Womack

Hampton Carver

Frank Holthaus

Hector Linares

Herschel Richard

Addison Goff

Robert Lancaster

Tom Lorenzi

Stephen Singer

The following Board members were absent:

Rebecca Hudsmith, Ex Officio

The following members of the Board's staff were present:

Jay Dixon, State Public Defender

Barbara Baier, General Counsel

Natashia Carter, Acting Budget Officer

Anne Gwin, Executive Assistant

Richard Pittman, Dep. State Public Defender, Dir. Juvenile Defender Services

Tiffany Simpson, Juv. Justice Compliance Officer/Director of Legis. Affairs

Erik Stilling, Program Development and Resource Management Officer

The following member of the Board's staff was absent:

Jean Faria, Capital Case Coordinator

2. **Call for Public Comment.** No one presented for public comment.
3. **Adoption of the Agenda.** Mr. Hamilton moved to adopt the agenda. Mr. Richard seconded the motion, which passed unopposed.
4. **Review of the November 13, 2014, Meeting Minutes.** Mr. Hamilton moved to accept the Minutes of the November 13, 2014 meeting as presented. Mr. Lorenzi seconded the motion which passed unopposed.
5. **Budget and Fiscal Issues**
 - a. **Financial Report.** Acting Budget Officer Natasha Carter reported \$23,692,111 expended or encumbered to date from the FY 2015 budget with a balance of \$10,214,095 remaining and approximately \$105,406 available for reallocation. Mr. Larson reported the financial report was approved by and is recommended for approval by the Budget Committee. Mr. Hamilton seconded the recommendation and the financial report was adopted, unopposed.
 - b. **FY 2016 Contracts Amount Approvals.** Mr. Dixon reported the funding amounts to the Contract Programs for FY 16 will remain the same as the previous year with the exception of an additional \$100,000 each to BRCCO, CDPSLA and LCAC for legal services be performed in those capital cases removed from CAPOLA, \$200,000 to CDPSLA for legal services to be performed in capital cases in District 22 (St. Tammany/Tangipahoa), and \$3,379 to LAP for the annual increases in Lexis-Nexis fees. Mr. Dixon clarified that the funding will come from unexpended CAPOLA monies with the any balance of those unexpended monies to be held to pay private attorneys assigned to other CAPOLA cases. The Budget Committee is recommending adoption of the 501c3 contracts and contract amounts, as presented. Mr. Hamilton seconded the recommendation which passed unopposed.

Mr. Dixon presented the Professional and Consulting Services contracts and contract amounts reporting that the Budget Committee is recommending approval of the amounts as presented. Mr. Holthaus seconded the recommendation which passed unopposed.

- i. **Professional Services Resolutions.** Pursuant to La. R.S. 42:262 requiring written Board approval of legal services contracts, staff presented two Resolutions for approval:
 - John Holdridge: contracting to provide assistance in the implementation of the 2014 recommendations of the legislative auditor. Mr. Richard moved to approve the contract and Mr. Hamilton seconded the motion which passed unopposed.
 - Stone-Pigman: to represent the Board in response to rulings filed in *State v. Kenneth Willis*, Docket Number 304-806, Section 3, 1st Judicial District Court, Parish of Caddo and *State v. Tarika Wilson*, Docket 315-973, Section 1, 1st Judicial District Court, Parish of Caddo. Mr. Hamilton moved to approve the contract and Lorenzi seconded the motion which passed unopposed.
- c. **Expert Witness Fund Increase – Resolution.** Mr. Dixon explained that the expert witness fund is in need of additional funds that will reduce the period of time between services rendered and payment to experts. Mr. Dixon reported that staff is recommending an additional \$200,000 for fiscal year 2015 and that the Budget

Committee is recommending adoption. Mr. Richard seconded the recommendation which passed unopposed.

d. ROS Prevention Funding-Resolution. Mr. Dixon reported that Restriction of Services has already started. The proposed Resolution gives staff the authority to disburse available funds in order to alleviate or prevent service restriction in those districts which are in compliance with the agency's Restriction of Services policy and protocols. The Budget Committee is recommending approval of Resolution. Mr. Hamilton seconded the recommendation which passed unopposed.

e. ROS Prevention Funding. Mr. Dixon reported that there is approximately \$85,000 available for reallocation. The Budget Committee is recommending the dispersal of available funds up to \$85,000 to those districts compliant with ROS policy and protocols in order to prevent or alleviate service restriction. Mr. Hamilton seconded the recommendation which passed unopposed.

f. District Defender Salary Range Analysis. For the Board's information, Program Development and Resource Management Officer Dr. Erik Stilling provided a brief synopsis of the district defender salary range analysis that was requested by the Budget Committee.

g. Budget Committee Structure. Mr. Dixon reported that at previous Committee and Board meetings the discussion of increasing the Budget Committee membership to five has been had, specifically to increase membership to five in order to increase the probability of obtaining quorum. After further discussion, the Committee has agreed to decrease its membership to three, with Ms. Womack stepping down as a Committee Member leaving Mr. Larson (Chairman), Mr. Carver, and Mr. Singer as active members. Mr. Holthaus moved to adopt the membership restructure of the Budget Committee from four to three members. Ms. Womack seconded the motion which passed unopposed.

h. Budget Cuts and Table of Organization Status. Mr. Dixon reported that since the last Board meeting, the agency has lost one position to budget cuts and that the State Office of Planning and Budget (OPB) has a 17% statewide reduction goal which would result in a \$5.4 million dollars loss to LPDB, if implemented. Mr. Dixon reported OPB has indicated that they would try protect LPDB's budget given LPDB's willingness work with them. Mr. Dixon indicated that he will be meeting with OPB in the near future.

6. Policy Committee Reports and Recommendations

a. DAF Distribution. Mr. Dixon reported that in consideration of the Office of Planning and Budget's 17% statewide reduction goal, staff is asking for the authority to distribute the full DAF amount at the start of the fiscal year (July 1, 2015) as opposed to the past protocol of semi-annual disbursements. The Policy Committee is recommending that staff draft and follow a revised DAF policy allowing for the dissemination of district assistance funds (DAF) at the beginning of the fiscal year as opposed to incrementally. Ms. Womack seconded the recommendation and the motion passed unanimously.

b. 501C3 – Annual Contract Change. Staff is asking to the Board to convert to a twelve month contract term with the 501c3 programs as opposed to two, six-month contracts. Mr. Dixon reported that the Policy Committee is recommending the requested change. Mr. Holthaus seconded recommendation which passed with no objection.

c. DOC Inmate Representation – POLICY. Mr. Dixon reported that this issue was tabled by the Policy Committee until further research can be done. There was no discussion by the Board on this matter

7. Capital Certification Appeals Panel – Volunteers. Chairman Burns reported that the Capital Certification Appeals Panel is in need of volunteers, and he has agreed to serve. He indicated at least a three-person panel is recommended. Mr. Holthaus, Prof. Singer and Mr. Hamilton also agreed to serve. General Counsel was instructed to determine and report back to the Board whether this volunteer panel made up of Board members is subject to the Public Meeting laws. Mr. Lorenzi moved to accept the four volunteers and Mr. Goff seconded the motion which passed unopposed.

8. District Defender Status/Interim District Defender Appointment(s). Mr. Dixon reported that the following interim district defenders have been appointed in the follow districts and the appointments require ratification by the Board. The interim positions will remain in place until further action of the Board.

a. District 16 – Ratification of Interim Appointment – Champagne. Mr. Holthaus moved to ratify the appointment of Mr. Tony Champagne as interim district defender in the 16th judicial district. Prof. Larson seconded the motion and the motion passed unopposed.

b. District 17 – Ratification of Interim Appointment – Bradley. Mr. Holthaus moved to ratify the appointment of Mr. Vic Bradley as interim district defender in the 17th judicial district. Prof. Larson seconded the motion and the motion passed unopposed.

c. District 33 - Ratification of Interim Appointment – Chapman. Mr. Holthaus moved to ratify the appointment of Mr. Alex Chapman as interim district defender in the 33rd judicial district. Mr. Richard seconded the motion and the motion passed unopposed.

d. District 3 – Resignation of District Defender – Jones. Mr. Dixon informed the Board that Mr. Lewis Jones, district defender for District 3 (Lincoln-Union Parish) has submitted his resignation. Mr. Goff called for the recognition of Mr. Jones for the decades of public defense service. The Board commended Mr. Jones.

9. CAPOLA - Executive Summary. Staff was tasked with providing an Executive Summary of the CAPOLA issue which is presented. Mr. Hamilton moved to adopt the Executive Summary as presented and Mr. Holthaus seconded the motion which passed unopposed.

10. Executive Session. Ms. Womack moved to go into Executive Session. Mr. Hamilton seconded the motion. Ms. Womack moved to leave Executive Session, seconded by Mr. Holthaus.

11. SCR 99. Director of Legislative Affairs Dr. Tiffany Simpson presented the Board's response to Senate Concurrent Resolution 99 which has been submitted to the Legislature in advance of the January 15, 2015 deadline.

12. Board Vacancies. Mr. Dixon reported that several Board seats still have not received formal appointment from the Governor and that staff continues to monitor progress.

13. CAP Amicus. Mr. Dixon reported that this issue was resolved without LPDB's involvement.

14. FY 15 Outreach. Mr. Dixon reported that he and staff continue with Legislative and community outreach to spread information about the pending public defense crisis and subsequent restriction of services.

15. SPD Report. Mr. Dixon reported that staffs' activities since the last Board meeting are available for review in the SPD report provided in the Board's meeting materials.

16. Other Business. Mr. Richard Bourke (Louisiana Capital Assistance Center – LCAC) and Mr. Kerry Cuccia (Capital Defense Project of Southeast Louisiana – CPDSLA) addressed the Board regarding its recent changes to the Expert Witness Funding Protocol. Specifically, they are requesting that the change allowing mitigation experts to start work immediately upon approval of the service but to defer billing and payment until funding is available be the policy for all expert requests. After a brief discussion period, Professor Larson moved that for the next two months, or pending the next scheduled Board meeting, that State Public Defender Jay Dixon be vested with the authority to apply to other experts the same policy as if provided to mitigation experts which allows for approved experts to begin work with payment deferred until funding is available thus not incurring deficit spending, giving staff time to work directly with the contract programs directors to formulate a uniform expert witness funding policy. Professor Linares seconded the motion which passed unopposed.

Professor Linares then asked the Board to recognize Deputy Public Defender/Director of Juvenile Services Richard Pittman for his recent work with the Children's Code Committee of the Louisiana Law Institute regarding proposed amendments to Louisiana's Mandatory Reporting laws, La. Ch. Code §§ 603, 609. The proposed amendment would exempt social workers and other behavioral health specialists working as part of a legal defense team from the requirements of the mandatory reporter act when they learn of otherwise reportable incidents in the course of representation.

Mr. Holthaus requested that staff formulate a communications protocol to judges regarding restriction of services so that the information regarding service restriction comes from the state office and the district defenders to the judge thereby providing advance education and information.

17. Next Meeting – The next meeting is Tuesday, March 24, 2015, at the LSU Law Center in the Tyson Room at 2:00 p.m.

18. Adjournment. Mr. Hamilton moved to adjourn which was seconded by Mr. Lorenzi.

GUESTS:

Reggie McIntyre
Tony Tillman
John Burkhardt
Jim Looney
Kimya M. Holmes
Kerry Cuccia

Richard Tompson
Vic Bradley
Matt Robnett
Chris Aberle
David Price
Lewis Jones

Tony Champagne
Sarah Ottinger
Cecelia Bonin
G. Paul Marx
Richard Bourke
Forrest L. Moegle

I HEREBY CERTIFY that the foregoing is a full, true, and correct account of the proceedings of the Louisiana Public Defender Board meeting held on the 13th day of January, 2015, as approved by the Board on the 24th day of March, 2015, at Baton Rouge, Louisiana.

Robert J. Burns, Jr., Chairman

**LPDB APPROPRIATION SUMMARY
SUMMARY FY 15 (02-28-15)**

	FY 2015 BUDGET	YTD Expenditures	YTD Encumbrances	Total Expended & Encumbered	% of FY15 Budget	Projected thru 06/30/2015	Available for Reallocation	FY2014 YTD Actual	% of FY14 Actual
MEANS OF FINANCING:									
FEES & SELF GENERATED	\$ 17,050	\$ 3,850	\$ 2,600	\$ 6,450	37.8%	\$ 10,600	\$ -	\$ -	0.0%
GRANTS	\$ 104,579	\$ 52,645	\$ 46,915	\$ 99,560	95.2%	\$ 5,019	\$ -	\$ 44,752	222.5%
STATUTORY DEDICATIONS:									
DNA TESTING POST-CONVICTION FUND (CR5)	\$ 20,000	\$ 4,628	\$ -	\$ 4,628	23.1%	\$ 15,372	\$ -	\$ 20,000	23.1%
INDIGENT PARENT REPRESENTATION FUND(S08)	\$ 979,680	\$ 976,798	\$ -	\$ 976,798	99.7%	\$ 2,882	\$ -	\$ 979,680	99.7%
PUBLIC DEFENDER FUND (V31)	\$ 32,967,795	\$ 24,332,823	\$ 5,437,970	\$ 29,770,794	90.3%	\$ 2,880,012	\$ 316,989	\$ 32,982,883	90.3%
TOTAL MEANS OF FINANCING	\$ 34,089,104	\$ 25,370,744	\$ 5,487,485	\$ 30,858,230	90.5%	\$ 2,913,885	\$ 316,989	\$ 34,027,315	90.7%
EXPENDITURES:									
Salaries	\$ 1,285,590	\$ 711,880	\$ -	\$ 711,880	55.4%	\$ 368,789	\$ 204,920	\$ 972,155	73.2%
Other Compensation	\$ 221,145	\$ 115,916	\$ -	\$ 115,916	52.4%	\$ 79,654	\$ 25,576	\$ 163,832	70.8%
Related Benefits	\$ 625,460	\$ 386,824	\$ -	\$ 386,824	61.8%	\$ 232,401	\$ 6,235	\$ 446,482	86.6%
TOTAL PERSONAL SERVICES	\$ 2,132,195	\$ 1,214,620	\$ -	\$ 1,214,620	57.0%	\$ 680,844	\$ 236,731	\$ 1,582,469	76.8%
Travel	\$ 62,747	\$ 44,732	\$ 6,950	\$ 51,682	82.4%	\$ 10,939	\$ 126	\$ 25,650	201.5%
Operating Services	\$ 513,008	\$ 202,474	\$ 160,511	\$ 362,985	70.8%	\$ 127,101	\$ 22,922	\$ 371,525	97.7%
Supplies	\$ 23,095	\$ 8,532	\$ 193	\$ 8,724	37.8%	\$ 13,670	\$ 701	\$ 13,492	64.7%
TOTAL OPERATING EXPENSES	\$ 598,850	\$ 255,738	\$ 167,654	\$ 423,391	70.7%	\$ 151,710	\$ 23,749	\$ 410,667	103.1%
TOTAL PROFESSIONAL SERVICES	\$ 405,105	\$ 159,760	\$ 136,415	\$ 296,175	73.1%	\$ 13,044	\$ 95,886	\$ 251,067	118.0%
DNA Testing Post-Conviction	\$ 20,000	\$ 4,628	\$ -	\$ 4,628	23.1%	\$ 15,372	\$ -	\$ 20,000	23.1%
Indigent Parent Representation	\$ 979,680	\$ 976,798	\$ -	\$ 976,798	99.7%	\$ 2,882	\$ -	\$ 979,680	99.7%
SOAP	\$ 250,000	\$ 81,000	\$ 139,045	\$ 220,045	88.0%	\$ 29,955	\$ -	\$ 220,702	99.7%
District Assistance	\$ 15,777,883	\$ 14,739,538	\$ -	\$ 14,739,538	93.4%	\$ 1,038,345	\$ -	\$ 17,414,994	84.6%
Contract Programs & LCLE Grant contracts	\$ 13,841,605	\$ 7,884,788	\$ 5,044,371	\$ 12,929,159	93.4%	\$ 912,446	\$ -	\$ 13,040,098	99.1%
TOTAL OTHER CHARGES	\$ 30,869,168	\$ 23,682,124	\$ 5,183,416	\$ 28,865,540	93.5%	\$ 2,003,628	\$ -	\$ 31,675,474	91.1%
TOTAL CAPITAL OUTLAY	\$ 30,915	\$ 6,977	\$ -	\$ 6,977	22.6%	\$ 23,938	\$ 0	\$ 4,743	0.0%
INTERAGENCY TRANSFERS	\$ 52,871	\$ 51,526	\$ -	\$ 51,526	97.5%	\$ 40,681	\$ (39,336)	\$ 102,895	50.1%
TOTAL EXPENDITURES	\$ 34,089,104	\$ 25,370,744	\$ 5,487,485	\$ 30,858,230	90.5%	\$ 2,913,845	\$ 317,029	\$ 34,027,315	90.7%
EXCESS (OR DEFICIENCY) OF FINANCING OVER EXPENDITURES	\$ -	\$ -	\$ -	\$ -		\$ 40	\$ -	\$ -	

Less Personal Svcs: \$ (236,731)
Available for
Reallocation \$ 80,298

AUTHORIZED FULL-TIME EQUIVALENTS:

Classified	6	
Unclassified	7	
TOTAL POSITIONS (Salaries Regular)	13	1 position cut by Office of Planning & Budget on 12-18-14; to be restored eff. 7-1-15. DOT and TLCO frozen as a cost saving measure for FY 15 and FY 16

LPDB APPROPRIATION SUMMARY
as of 12/31/14 for FY 15

EXPENDITURES	FY 2015 BUDGET	YTD Expenditures	YTD Encumbrances	Total Expended & Encumbered	% of FY15 Budget	Projected thru 06/30/2015	Available for Reallocation	FY 2014 YTD Actual	% of FY14 Actual
2100 Salaries - Classified - Regular	\$ 589,235	\$ 222,303	\$ -	\$ 222,303	37.7%	\$ 134,798	\$ 232,134	\$ 306,055	72.6%
2110 Salaries - Classified - Overtime	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ 131	0.0%
2120 Salaries - Classified - Termination	\$ -	\$ 1,101	\$ -	\$ 1,101	0.0%	\$ -	\$ (1,101)	\$ 13,332	8.3%
2130 Salaries - Unclassified - Regular	\$ 696,355	\$ 486,717	\$ -	\$ 486,717	69.9%	\$ 233,991	\$ (24,353)	\$ 635,329	76.6%
2150 Salaries - Unclassified - Termination	\$ -	\$ 1,760	\$ -	\$ 1,760	0.0%	\$ -	\$ (1,760)	\$ 17,308	10.2%
Total Salaries	\$ 1,285,590	\$ 711,880	\$ -	\$ 711,880	55.4%	\$ 368,789	\$ 204,920	\$ 972,155	73.2%
2200 Wages	\$ 111,260	\$ 115,916	\$ -	\$ 115,916	104.2%	\$ 79,654	\$ (84,309)	\$ 157,777	73.5%
2210 Student Labor	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
2220 Compensation of Board Members	\$ 109,885	\$ -	\$ -	\$ -	0.0%	\$ -	\$ 109,885	\$ -	0.0%
2250 Wages - OT & Termination Pay	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ 6,055	0.0%
Total Other Compensation	\$ 221,145	\$ 115,916	\$ -	\$ 115,916	52.4%	\$ 79,654	\$ 25,576	\$ 163,832	70.8%
2300 Retirement Contributions - State Employees	\$ 377,070	\$ 270,369	\$ -	\$ 270,369	71.7%	\$ 144,348	\$ (37,647)	\$ 272,727	99.1%
2320 Retirement Contributions - Teachers	\$ 27,064	\$ 20,005	\$ -	\$ 20,005	73.9%	\$ 10,766	\$ (3,707)	\$ 27,851	71.8%
2345 Post Retirement Benefits	\$ 60,191	\$ 14,646	\$ -	\$ 14,646	24.3%	\$ 28,070	\$ 17,475	\$ 28,821	50.8%
2350 FICA Tax (OASDI)	\$ 7,065	\$ -	\$ -	\$ -	0.0%	\$ -	\$ 7,065	\$ 5,499	0.0%
2360 Medicare Tax	\$ 20,490	\$ 11,473	\$ -	\$ 11,473	56.0%	\$ 6,502	\$ 2,515	\$ 15,619	73.5%
2370 Unemployment Benefits	\$ 11,370	\$ 1,482	\$ -	\$ 1,482	13.0%	\$ 9,888	\$ -	\$ 2,747	53.9%
2380 Group Insurance	\$ 122,210	\$ 68,850	\$ -	\$ 68,850	56.3%	\$ 32,827	\$ 20,533	\$ 93,218	73.9%
Total Related Benefits	\$ 625,460	\$ 386,824	\$ -	\$ 386,824	61.8%	\$ 232,401	\$ 6,235	\$ 446,482	86.6%
TOTAL PERSONAL SERVICES	\$ 2,132,195	\$ 1,214,620	\$ -	\$ 1,214,620	57.0%	\$ 680,844	\$ 236,731	\$ 1,582,469	76.8%
2500 In-State Travel, Administrative	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
2510 In-State Travel, Conferences, Conventions, & Athletics	\$ 48,123	\$ 36,246	\$ 6,950	\$ 43,196	89.8%	\$ 8,500	\$ (3,573)	\$ 18,742	230.5%
2520 In-State Travel, Field Travel	\$ 4,545	\$ 5,838	\$ -	\$ 5,838	128.4%	\$ 1,200	\$ (2,493)	\$ 3,877	150.6%
2530 In-State Travel, Board Members	\$ 290	\$ 1,614	\$ -	\$ 1,614	556.7%	\$ 1,239	\$ (2,563)	\$ 1,100	146.8%
2550 In-State IT Travel/Training	\$ 2,200	\$ -	\$ -	\$ -	0.0%	\$ -	\$ 2,200	\$ -	0.0%
2600 Out-of-State Travel, Administrative	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
2610 Out-of-State Travel, Conferences, Conventions, & Athletics	\$ 7,589	\$ 1,033	\$ -	\$ 1,033	13.6%	\$ -	\$ 6,556	\$ 1,931	53.5%
2620 Out-of-State Travel, Field Travel	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
2630 Out-of-State Travel, Board Members	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
2650 Out-of-State IT Travel/Training	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
Total Travel	\$ 62,747	\$ 44,732	\$ 6,950	\$ 51,682	82.4%	\$ 10,939	\$ 126	\$ 25,650	201.5%
2700 Advertising	\$ 2,259	\$ 148	\$ -	\$ 148	6.6%	\$ 400	\$ 1,711	\$ 2,552	5.8%
2710 Printing	\$ 7,940	\$ 87	\$ -	\$ 87	1.1%	\$ 4,671	\$ 3,182	\$ 6,306	1.4%
2770 Maintenance of Property & Equipment, Automotive Repairs	\$ 1,274	\$ 1,467	\$ -	\$ 1,467	115.2%	\$ 1,000	\$ (1,193)	\$ 147	998.0%
2800 Maintenance of Equipment	\$ 1,995	\$ -	\$ 1,955	\$ 1,955	98.0%	\$ 40	\$ -	\$ 1,955	100.0%
2810 Maintenance - Janitorial	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
2820 Maintenance of Data Processing Equipment	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%

LPDB APPROPRIATION SUMMARY
as of 12/31/14 for FY 15

EXPENDITURES	FY 2015 BUDGET	YTD Expenditures	YTD Encumbrances	Total Expended & Encumbered	% of FY15 Budget	Projected thru 06/30/2015	Available for Reallocation	FY 2014 YTD Actual	% of FY14 Actual
2825 Maintenance of Data Processing Equipment, Software	\$ 283,850	\$ 77,756	\$ 106,245	\$ 184,000	64.8%	\$ 99,850	\$ (0)	\$ 186,778	98.5%
2830 Rentals - Buildings	\$ 92,221	\$ 69,166	\$ 23,055	\$ 92,221	100.0%	\$ -	\$ 0	\$ 92,221	100.0%
2840 Rentals - Equipment	\$ 11,761	\$ 7,650	\$ 7,198	\$ 14,848	126.2%	\$ -	\$ (3,087)	\$ 10,157	146.2%
2870 Rentals - Other	\$ 35,060	\$ 4,759	\$ 13,536	\$ 18,295	52.2%	\$ -	\$ 16,765	\$ 20,951	87.3%
2875 Data Processing - Licensing Software	\$ 3,350	\$ 425	\$ -	\$ 425	12.7%	\$ 1,000	\$ 1,926	\$ 300	141.5%
2880 Internet Provider Costs	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
2890 Dues & Subscriptions	\$ 20,750	\$ 28,822	\$ -	\$ 28,822	138.9%	\$ 5,360	\$ (13,432)	\$ 15,655	184.1%
2900 Mail, Delivery, & Postage	\$ 200	\$ 28	\$ -	\$ 28	14.2%	\$ 100	\$ 72	\$ 214	13.2%
2910 Telephone Services	\$ 10,000	\$ 3,615	\$ 632	\$ 4,246	42.5%	\$ 3,390	\$ 2,364	\$ 6,411	66.2%
2930 Other Communication Services	\$ 5,000	\$ 1,587	\$ -	\$ 1,587	31.7%	\$ 1,290	\$ 2,123	\$ 3,132	50.7%
3000 Other Operating Services, Misc.	\$ 37,348	\$ 6,965	\$ 7,891	\$ 14,855	39.8%	\$ 10,000	\$ 12,493	\$ 24,746	60.0%
Total Operating Services	\$ 513,008	\$ 202,474	\$ 160,511	\$ 362,985	70.8%	\$ 127,101	\$ 22,922	\$ 371,525	97.7%
3100 Office Supplies	\$ 7,765	\$ 2,619	\$ -	\$ 2,619	33.7%	\$ 5,146	\$ (0)	\$ 4,527	57.9%
3120 Operating Supplies, Computer	\$ 6,040	\$ 1,469	\$ -	\$ 1,469	24.3%	\$ 4,571	\$ (0)	\$ 4,649	31.6%
3140 Operating Supplies, Medical	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
3150 Operating Supplies, Education	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
3160 Operating Supplies, Food	\$ 800	\$ 270	\$ 193	\$ 463	57.9%	\$ 393	\$ (56)	\$ 312	148.4%
3170 Operating Supplies, Auto	\$ 2,123	\$ 1,528	\$ -	\$ 1,528	72.0%	\$ 1,100	\$ (505)	\$ 1,285	118.9%
3180 Operating Supplies, Other	\$ 2,123	\$ 2,552	\$ -	\$ 2,552	120.2%	\$ 1,500	\$ (1,929)	\$ 1,804	141.5%
3200 Operating Supplies, Household	\$ -	\$ 40	\$ -	\$ 40	0.0%	\$ (40)	\$ 35	\$ -	0.0%
3310 Repair & Maintenance Supplies, Other	\$ 25	\$ -	\$ -	\$ -	0.0%	\$ -	\$ 25	\$ -	0.0%
3320 Software	\$ 4,184	\$ 52	\$ -	\$ 52	1.3%	\$ 1,000	\$ 3,132	\$ 915	5.7%
Total Supplies	\$ 23,095	\$ 8,532	\$ 193	\$ 8,724	37.8%	\$ 13,670	\$ 701	\$ 13,492	64.7%
TOTAL OPERATING EXPENSES	\$ 598,850	\$ 255,738	\$ 167,654	\$ 423,391	70.7%	\$ 151,710	\$ 23,749	\$ 410,667	103.1%
3400 Accounting & Auditing	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ 10,880	0.0%
3410 Management Consulting	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
3430 Legal	\$ 90,195	\$ 98,319	\$ 93,181	\$ 191,500	212.3%	\$ -	\$ (101,305)	\$ 43,119	444.1%
3460 Other Professional Services	\$ 310,970	\$ 58,600	\$ 42,575	\$ 101,175	32.5%	\$ 12,604	\$ 197,191	\$ 192,579	52.5%
3470 Other Professional Services, Travel	\$ 3,940	\$ 2,840	\$ 660	\$ 3,500	88.8%	\$ 440	\$ -	\$ 4,489	78.0%
3471 Professional Services, Travel	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
TOTAL PROFESSIONAL SERVICES	\$ 405,105	\$ 159,760	\$ 136,415	\$ 296,175	73.1%	\$ 13,044	\$ 95,886	\$ 251,067	118.0%
3560 Aid to Local Governments	\$ 16,757,563	\$ 15,716,336	\$ -	\$ 15,716,336	93.8%	\$ 1,041,227	\$ -	\$ 18,394,674	85.4%
3650 Miscellaneous Charges	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
3730 Other Charges, Supplies	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
3735 Professional Service Travel	\$ 20,000	\$ 1,919	\$ 18,008	\$ 19,928	99.6%	\$ 72	\$ 0	\$ 7,738	257.5%
3740 Other Charges, Professional Services	\$ 13,861,605	\$ 7,877,098	\$ 4,426,310	\$ 12,303,408	88.8%	\$ 937,329	\$ 620,868	\$ 13,065,017	94.2%
3742 Contract Attorney	\$ 168,000	\$ 82,848	\$ 706,020	\$ 788,868	469.6%	\$ -	\$ (620,868)	\$ 202,102	390.3%
3744 Contract Expert	\$ 62,000	\$ 3,923	\$ 33,078	\$ 37,000	59.7%	\$ 25,000	\$ -	\$ 5,943	622.6%
3750 Other Charges, Acquisitions/Major Repairs	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
TOTAL OTHER CHARGES	\$ 30,869,168	\$ 23,682,124	\$ 5,183,416	\$ 28,865,540	93.5%	\$ 2,003,628	\$ (0)	\$ 31,675,474	91.1%
4440 Acquisitions - Equipment	\$ 500	\$ -	\$ -	\$ -	0.0%	\$ 500	\$ -	\$ -	0.0%
4441 Equip <\$1,000	\$ 2,000	\$ -	\$ -	\$ -	0.0%	\$ 2,000	\$ -	\$ -	0.0%
4450 Acquisitions - Capital - Software	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
4451 Acquisitions - Capital - Hardware	\$ 20,000	\$ -	\$ -	\$ -	0.0%	\$ 18,673	\$ 1,327	\$ -	0.0%

LPDB APPROPRIATION SUMMARY
as of 12/31/14 for FY 15

EXPENDITURES	FY 2015 BUDGET	YTD Expenditures	YTD Encumbrances	Total Expended & Encumbered	% of FY15 Budget	Projected thru 06/30/2015	Available for Reallocation	FY 2014 YTD Actual	% of FY14 Actual
4454 Acquisitions - Hardware	\$ 6,500	\$ 5,650	\$ -	\$ 5,650	86.9%	\$ 850	\$ 0	\$ 3,947	143.1%
4457 Acquisitions - Hardware < \$1,000	\$ -	\$ 1,327	\$ -	\$ 1,327	0.0%	\$ -	\$ (1,327)	\$ 796	166.7%
4472 Household <\$1,000	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
4490 Acquisitions - Office Equipment	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
4491 Capitalized Office Equipment	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
4492 Acquisitions - Office Equipment <\$1,000	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
4512 Acquisitions - Library < \$1,000	\$ 1,915	\$ -	\$ -	\$ -	0.0%	\$ 1,915	\$ -	\$ -	0.0%
TOTAL CAPITAL OUTLAY	\$ 30,915	\$ 6,977	\$ -	\$ 6,977	22.6%	\$ 23,938	\$ 0	\$ 4,743	147.1%
4900 Interagency Transfers, Commodities & Services	\$ 12,992	\$ 23,562	\$ -	\$ 23,562	181.4%	\$ 34,401	\$ (44,971)	\$ 61,647	38.2%
4960 Interagency Transfers, Printing	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
4980 Interagency Transfers, Insurance	\$ 26,370	\$ 19,125	\$ -	\$ 19,125	72.5%	\$ -	\$ 7,245	\$ 26,906	71.1%
5030 Interagency Transfers, Postage	\$ 2,400	\$ 2,073	\$ -	\$ 2,073	86.4%	\$ 500	\$ (173)	\$ 2,319	89.4%
5040 Interagency Transfers, Telephone	\$ 11,109	\$ 6,766	\$ -	\$ 6,766	60.9%	\$ 5,780	\$ (1,437)	\$ 12,023	56.3%
INTERAGENCY TRANSFERS	\$ 52,871	\$ 51,526	\$ -	\$ 51,526	97.5%	\$ 40,681	\$ (39,336)	\$ 102,895	50.1%
TOTAL EXPENDITURES	\$ 34,089,104	\$ 25,370,744	\$ 5,487,485	\$ 30,858,230	90.5%	\$ 2,913,845	\$ 317,029	\$ 34,027,315	90.7%

Less Personal Services	\$ (236,731)
Less Relocation cost	\$ (30,000)
Available for Reallocation	\$ 50,298

Notes: The reallocation cost is an estimate.

LOUISIANA PUBLIC DEFENDER BOARD
DETAIL OF OTHER CHARGES

DESCRIPTION	FY 14-15 EXPENDITURE BUDGET	YTD EXPENDITURES	YTD ENCUMBRANCES	PROJECTED EXPENDITURES	EXPEND, ENCUMB, & PROJECTED EXPEND	AVAILABLE FOR REALLOCATION
<i>Administrative (less Personal Services)</i>	1,087,741	474,001	304,069	229,373	1,007,443	80,298
District Assistance	15,777,883	14,739,538	0	1,038,345	15,777,883	0
Budget - Contract Programs	1,039,058	(169,733)	429,046	779,745	1,039,058	
Contracts -						
Baton Rouge Capital Conflict	1,035,000	656,667	378,333	0	1,035,000	0
Capital Appeals Project	1,092,852	728,568	364,284	0	1,092,852	0
Capital Defense Project of SE Louisiana	1,763,370	1,142,247	621,123	0	1,763,370	0
Capital Post-Conviction Project of Louisiana - EW	800,000	533,333	266,667		800,000	0
Capital Post-Conviction Project of Louisiana (OPER)	2,361,750	1,574,500	787,250	0	2,361,750	0
Innocence Project New Orleans	400,000	266,667	133,333	0	400,000	0
Louisiana Crisis Assistance Center	1,298,306	865,537	432,769	0	1,298,306	0
Louisiana Appellate Project (LAP Operations)	1,901,468	1,267,645	633,823	0	1,901,468	0
Louisiana Appellate Project (EW)	800,000	400,000	400,000	0	800,000	0
LA Center for Children's Rights (JRS)	510,000	340,000	170,000	0	510,000	0
Angola 5	738,393	222,084	380,828	135,481	738,393	0
Total Contracts	13,740,197	7,827,515	4,997,456	915,226	13,740,197	0
Auditor -LCLE Grant	101,408	52,645	46,915	1,848	101,408	0
SOAP	250,000	81,000	139,045	29,955	250,000	0
DNA Testing Post-Conviction	20,000	4,628		15,372	20,000	0
Indigent Parent Representation	979,680	976,798	0	2,882	979,680	0
Total Other	1,351,088	1,115,071	185,960	50,057	1,351,088	0
TOTAL LA PUBLIC DEFENDER FUND - OTHR CHRGS	30,869,168	23,682,124	5,183,416	2,003,628	30,869,168	80,298

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Louisiana Public Defender Board
ADJUSTMENTS TO EXISTING OPERATING BUDGET
Recommended

GEN. FUND	I.A.T.	SELF-GEN.	STAT. DED.	I.E.B.	FEDERAL	TOTAL	T.O.	DESCRIPTION
\$0	\$104,579	\$17,050	\$33,989,705	\$0	\$0	\$34,111,334	16	Existing Oper Budget as of 12/01/14
A. STATEWIDE STANDARDS								
\$0	\$0	\$0	(\$22,230)	\$0	\$0	(\$22,230)	0	Annualization of Fiscal Year 2015 Mid Year Reduction Plan
\$0	\$0	\$0	\$16,481	\$0	\$0	\$16,481	0	Annualize Classified State Employees Performance Adjustment
\$0	\$0	\$0	\$2,938	\$0	\$0	\$2,938	0	Louisiana State Employees' Retirement System Rate Adjustment
\$0	\$0	\$0	(\$1,828)	\$0	\$0	(\$1,828)	0	Teachers Retirement System of Louisiana Rate Adjustment
\$0	\$0	\$0	\$11,555	\$0	\$0	\$11,555	0	Group Insurance Rate Adjustment for Active Employees
\$0	\$0	\$0	\$4,518	\$0	\$0	\$4,518	0	Group Insurance Rate Adjustment for Retirees
\$0	\$0	\$0	(\$1,713)	\$0	\$0	(\$1,713)	0	Salary Base Adjustment
\$0	\$0	\$0	\$27,460	\$0	\$0	\$27,460	0	Acquisitions & Major Repairs
\$0	\$0	\$0	(\$30,915)	\$0	\$0	(\$30,915)	0	Non-Recurring Acquisitions & Major Repairs
\$0	\$0	\$0	(\$273,586)	\$0	\$0	(\$273,586)	0	Non-recurring Carryforwards
\$0	\$0	\$0	\$60	\$0	\$0	\$60	0	Risk Management
\$0	\$0	\$0	\$20	\$0	\$0	\$20	0	UPS Fees
\$0	\$0	\$0	\$2,506	\$0	\$0	\$2,506	0	Office of Technology Services (OTS)
\$0	\$0	\$0	(\$464,584)	\$0	\$0	(\$464,584)	0	TOTAL OTHER ADJUSTMENTS ADJUSTMENT
\$0	\$104,579	\$17,050	\$33,260,387	\$0	\$0	\$33,382,016	16	Total Budget
\$0	\$0	\$0	(\$729,318)	\$0	\$0	(\$729,318)	0	Total Adjustments

B. AGENCY SPECIFIC RECOMMENDATIONS

01_116 Louisiana Public Defender Board

\$0	\$0	\$0	\$8,500	\$0	\$0	\$8,500	0	LA Defender Board -Increase amount of funding for DNA Testing Post-Conviction Fund. Last year, invoices received were higher than the \$20,000 budgeted and need amount increased to \$28,500.
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01_116
Louisiana Public Defender Board
ADJUSTMENTS TO EXISTING OPERATING BUDGET
Recommended

GEN. FUND	I.A.T.	SELF-GEN.	STAT. DED.	I.E.B.	FEDERAL	TOTAL	T.O.	DESCRIPTION
B. AGENCY SPECIFIC RECOMMENDATIONS								
01_116 Louisiana Public Defender Board								
\$0	\$0	\$0	\$44,292	\$0	\$0	\$44,292	0	LA Defender Board -Provides funding to pay for charges from Division of Administration Office of Support Services for Payroll/HR/Accounting charges.
\$0	\$0	\$0	(\$517,376)	\$0	\$0	(\$517,376)	0	LA Defender Board -This amount reduces personal services, travel, operating services, supplies, professional services, other charges, and acquisitions due to cost saving measures.
\$0	\$0	\$0	(\$464,584)	\$0	\$0	(\$464,584)	0	TOTAL OTHER ADJUSTMENTS ADJUSTMENTS
\$0	\$0	\$0	(\$464,584)	\$0	\$0	(\$464,584)	0	TOTAL AGENCY SPECIFIC ADJUSTMENTS

01_116
Louisiana Public Defender Board
Line Item Expenditures
Recommended

Line Name	Prior Year Actuals FY 2013-2014	Enacted FY 2014-2015 Appropriation	Existing Oper Budget as of 12/01/14	Continuation FY 2015-2016	Recommended FY 2015-2016	Total Executive Adjustments
Salaries	\$0	\$1,285,590	\$1,285,590	\$1,331,493	\$1,094,884	(\$190,706)
Other Compensation	\$0	\$221,145	\$221,145	\$221,145	\$150,688	(\$70,457)
Related Benefits	\$0	\$647,690	\$647,690	\$693,519	\$554,933	(\$92,757)
Personal Services	\$0	\$2,154,425	\$2,154,425	\$2,246,157	\$1,800,505	(\$353,920)
Travel	\$0	\$62,747	\$62,747	\$64,441	\$39,828	(\$22,919)
Operating Services	\$0	\$513,008	\$513,008	\$526,774	\$476,236	(\$36,772)
Supplies	\$0	\$23,095	\$23,095	\$23,719	\$20,432	(\$2,663)
Total Operating Expenses	\$0	\$598,850	\$598,850	\$614,934	\$536,496	(\$62,354)
Total Professional Services	\$0	\$373,455	\$405,105	\$390,505	\$357,705	(\$47,400)
Other Charges including PS	\$0	\$30,610,182	\$30,869,168	\$30,618,682	\$30,586,601	(\$282,567)
IAT Line Item Expenditure	\$0	\$53,391	\$52,871	\$99,749	\$99,749	\$46,878
Total Other Charges	\$0	\$30,663,573	\$30,922,039	\$30,718,431	\$30,686,350	(\$235,689)
Acquisitions	\$0	\$30,915	\$30,915	\$0	\$960	(\$29,955)
Total Acq & Major Repairs	\$0	\$30,915	\$30,915	\$0	\$960	(\$29,955)
Total Expenditures	\$0	\$33,821,218	\$34,111,334	\$33,970,027	\$33,382,016	(\$729,318)
Authorized Classified Positions	0	9	9	9	9	0
Authorized Unclassified Positions	0	7	7	7	7	0
Total Authorized Positions	0	16	16	16	16	0

01_116
Louisiana Public Defender Board
SUMMARY OF ADJUSTMENTS FROM EOB
Recommended

MOF	Existing Oper Budget as of 12/01/14	Recommended FY 2015-2016	Over/(Under)	% Over/(Under)
STATE GENERAL FUND (DIRECT)	\$0	\$0	\$0	0.00%
STATE GENERAL FUND BY:				
Interagency Transfers	\$104,579	\$104,579	\$0	0.00%
Fees and Self Generated Revenues	\$17,050	\$17,050	\$0	0.00%
Statutory Dedications	\$33,989,705	\$33,260,387	(\$729,318)	(2.15)%
Interim Emergency Board	\$0	\$0	\$0	0.00%
FEDERAL FUNDS	\$0	\$0	\$0	
TOTAL MEANS OF FINANCING	\$34,111,334	\$33,382,016	(\$729,318)	(2.14)%
T.O.	16	16	0	0.00%



RESOLUTION

On the 24th day of March, 2015, at a meeting of the Louisiana Public Defender Board, held in Baton Rouge, Louisiana, with a quorum of members present, the following business was conducted:

It was duly moved and seconded, that the following resolution be adopted:

WHEREAS, it is the Policy of this Board and the law of the State, that District Defenders under contract with the Board, staff assistant defenders and contract attorneys providing indigent defense services are expected to follow the Louisiana Rules of Professional Conduct, all Louisiana Performance Standards applicable to their respective caseloads and workloads and the Service Restriction Protocol (LAC22:XV.Chapter 17), in performance of their ethical obligations to their indigent clients.

WHEREAS, the Budget Committee met on March 9, 2015 and received a report that the Board's administrative budget has been reduced by \$517,376 for FY16. The reduction affects two of the statutorily required positions: Trial Compliance Officer and Deputy-Defender Director of Training have been frozen for FY 16, with the potential permanent elimination of the Trial Compliance Officer that these budget cuts by the Executive Department through the Division of Administration.

WHEREAS, these two statutorily required positions, Trial Compliance Officer and Deputy-Defender Director of Training, are essential for the Board to carry out its statutory responsibilities of assuring the courts, legislature and the public that practice standards are being met and that the Board is meeting its oversight, supervisory and fiduciary obligations and protecting the public fisc.

WHEREAS, the Board's ability to carry out its statutory obligations has been significantly impaired by chronic underfunding of the Board's submitted budget requests since 2009. In light of the Service Restriction Protocol the duties of these two statutorily required are essential for the Board to carry out its statutorily required fiduciary obligations of supervising, performance of audits and trial level supervision and training. In the absence of these positions and their funding, their functions and duties of these positions cannot be performed adequately by other staff members;

BE IT RESOLVED that the freezing or elimination of the statutorily required positions does not comply with the statute, nor is it appropriate for the Board or any other entity to shift the duties and responsibilities of these statutorily required positions to Board staff as a whole.

BE IT ALSO RESOLVED that the Board is dedicated to meeting its statutory duties but cannot do so after years of chronic underfunding and the freezing and/or elimination of statutorily mandated positions.

BE IT ALSO RESOLVED that the Board urges the legislature to fund these positions in FY 16 for proper oversight and training and increase funding to the Board to prevent further districts from having to restrict service delivery under the Service Restriction Protocol through a stable, reliable funding source upon which all stakeholders in the criminal justice system may rely.

I CERTIFY THAT the above and foregoing constitutes a true and correct copy of the resolution resulting from a meeting of the Louisiana Public Defender Board held on the 24th day of March, 2015.

Robert Burns, Chairman

Proposed FY 15 Contract Amount Changes

501(c)3 PUBLIC DEFENDER ORGANIZATIONS	FY15 LPDB Contract	Proposed FY 15 Changes	Total FY 15 Contract
Baton Rouge Capital Conflict Office (BRCCO)	\$ 1,035,000	\$ 100,000	\$ 1,135,000
Contracts Covering CAPOLA Cases	\$ 445,000	\$ -	\$ 445,000
Capital Defense Project of Southeast Louisiana (CDPSLA)	\$ 1,663,370	\$ 100,000	\$ 1,763,370
Capital Defense Project of Southeast Louisiana (CDPSLA) 22	\$ -		\$ -
Louisiana Capital Assistance Center (LCAC)	\$ 1,198,305	\$ 100,000	\$ 1,298,305
TOTAL "Capital Trial Program"	\$ 4,341,675	\$ 300,000	\$ 4,641,675
Capital Appeals Project (CAP)	\$ 1,092,852	\$ -	\$ 1,092,852
Louisiana Appellate Project (LAP)	\$ 1,901,468	\$ -	\$ 1,901,468
Louisiana Appellate Project (EW)	\$ 800,000	\$ 55,000	\$ 855,000
Capital Post-Conviction Project of Louisiana (EW)	\$ 800,000	\$ -	\$ 800,000
Capital Post-Conviction Project of Louisiana (CPCPL)	\$ 2,361,750	\$ -	\$ 2,361,750
Innocence Project of New Orleans (IPNO)	\$ 400,000	\$ -	\$ 400,000
La Center for Childrens' Rights (LCCR)	\$ 510,000	\$ -	\$ 510,000
TOTALS	\$ 12,207,745	\$ 355,000	\$ 12,562,745

Proposed FY 16 Contract Amount Changes

501(c)3 PUBLIC DEFENDER ORGANIZATIONS	FY16 LPDB Contract	Proposed FY 16 Changes	Total FY 16 Contract
Baton Rouge Capital Conflict Office (BRCCO)	\$ 1,135,000		\$ 1,135,000
Contracts Covering CAPOLA Cases	\$ 445,000		\$ 445,000
Capital Defense Project of Southeast Louisiana (CDPSLA)	\$ 1,763,360		\$ 1,763,360
Capital Defense Project of Southeast Louisiana (CDPSLA) 22	\$ 300,000		\$ 300,000
Louisiana Capital Assistance Center (LCAC)	\$ 1,298,305		\$ 1,298,305
TOTAL "Capital Trial Program"	\$ 4,941,665	\$ -	\$ 4,941,665
Capital Appeals Project (CAP)	\$ 1,092,852		\$ 1,092,852
Louisiana Appellate Project (LAP)	\$ 1,904,864		\$ 1,904,864
Louisiana Appellate Project (EW)	\$ 600,000	\$ 51,603	\$ 651,603
Capital Post-Conviction Project of Louisiana (EW)	\$ 800,000		\$ 800,000
Capital Post-Conviction Project of Louisiana (CPCPL)	\$ 2,461,750		\$ 2,461,750
Innocence Project of New Orleans (IPNO)	\$ 400,000		\$ 400,000
La Center for Children's Rights (LCCR)	\$ 510,000		\$ 510,000
TOTALS	\$ 12,711,131	\$ 51,603	\$ 12,762,734

Letter of Engagement

December 9, 2014

This letter of engagement (“Letter”) sets forth the services that Postlethwaite & Neterville, APAC (“Firm”) will provide for the Louisiana Public Defender Board (“LPDB”) and the American Bar Association (“ABA”) (collectively, “Clients”).

Scope of Services

Firm will perform accounting and consulting services for Clients as part of a workload study of three Louisiana public defender offices: the 10th Judicial District Public Defenders’ Office (Natchitoches Parish), the 41st Judicial District Public Defenders’ Office (Orleans Parish), and the 19th Judicial District Public Defenders’ Office (East Baton Rouge Parish) (collectively, “Public Defender Offices”). The parties anticipate that the Firm will perform the work in the following phases:

1. Overview of Public Defender Systems

In Phase 1, Clients will provide, and Firm will analyze, the following data:

- a. Annual caseload (measured by new cases by year, type, and location) over an agreed upon number of years; and
- b. Personnel overview (measured by number, type, location, part time/full time status, and years of experience) over an agreed upon number of years.

The Firm will use this data to gain an understanding of the current state of the Public Defender Offices and create summary data tables that provide a basic overview of the current caseload or workload and structure of the Public Defender Offices. As part of the Phase 1 overview, the Firm can also anticipate reviewing any critiques of the Public Defender Offices’ previous methods for calculating caseload or workload standards.

Phase 1 objectives include the following:

- a. Creating summary data tables to provide a basic overview of the current caseload or workload and structure of the Public Defender Offices;
- b. Presenting preliminary summary data tables to the Public Defender Offices for review; and
- c. Reviewing critiques of the Public Defender Offices’ previous methods for calculating caseload or workload standards.

2. Time Study

In Phase 2, Clients will provide, and Firm will analyze, data from the workload time study (“Time Study”). Public Defender Offices personnel will track time in fractions of an hour. The Firm will communicate and collaborate with the Public Defender Offices to obtain a clear understanding of how time is being tracked and categorized. Time will be captured along two (2) dimensions: Case Type (a broad designation of the type of case, such as Class B Felony or traffic related, for example), and Case Task (the specific tasks and functions that are performed by employees of the Public Defender Offices for each Case Type, such as meetings with client or preliminary motions, for example).

Phase 2 objectives include the following:

- a. Identifying Case Type and Case Task categories to which Public Defender Office personnel are allocating their time;
- b. Collaborating with the Public Defender Offices to ensure that the identified categories can be captured accurately and consistently by Public Defender Offices personnel;
- c. Receiving the raw, underlying data from the Time Study;
- d. Analyzing the data from the Time Study;
- e. Creating summary data tables to provide a basic overview of the Time Study; and
- f. Presenting preliminary summary data tables to the Public Defender Offices for review.

The Firm will use this data to measure and present the current workload mix and initial case weights (*i.e.*, how are Public Defender Office personnel currently spending their time). Based upon similar studies performed in other states, the minimum time required for the Time Study is 25 (twenty-five) weeks, assuming Public Defender Office participation rate greater than 90% (lower participation rates will require a longer Time Study to ensure sufficient data points).

3. Public Defender Interviews

In Phase 3, the Firm will interview three to five experienced Public Defender Office personnel in order to discuss the results of, and conclusions from, the Time Study. These interviews will help provide assurance that the Firm is interpreting the data correctly, as well as provide the Public Defender Offices an opportunity to provide additional insight into the data and the overall process.

4. Delphi Method and Workload Standards

In Phase 4, Clients will assemble, and Firm will facilitate, an expert panel to obtain estimates of optimal time allocations for specific Case Types and Case Tasks via the Delphi Method. This panel will comprise both experienced public defenders and experienced criminal defense practitioners who have experience with the kinds of cases typically handled by the Public Defender Offices. This Phase will involve:

- a. Assisting Clients in the facilitation and documentation of the panel discussion;
- b. Compiling the results and recommendations of the panel into initial case weights;
- c. Providing the initial recommended case weights back to the panel for comment; and
- d. Incorporating additional panel feedback (if any) into final recommended workload standards.

By the end of Phase 4, the Firm will have the set of final recommended case weights based upon the results of the Time Study and panel input from applying the Delphi Method. These final case weights will form the basis for the recommended workload standards.

5. Final Report

The Firm's final deliverable will consist of a written report that will:

- a. Present the final results of our analysis;
- b. Document and describe all the steps taken and work performed in Phases 1 through 4; and
- c. Present the workload standards and the underlying data and results in summary form through the use of tables, figures, and graphs.

Firm will present Clients with an initial draft report for comments and feedback. The Final Report will be issued once that feedback has been received and incorporated to the reasonable satisfaction of Clients. The Final Report shall include a description of the methods employed in this analysis.

6. Term of Engagement

This engagement will commence on _____, 2015, and will conclude no later than _____, 2016. Recognizing that it is difficult to identify the exact dates on which each stage of the engagement will conclude, the Firm nevertheless agrees to deliver a draft final report no later than _____, 2016 and to issue the final report no later than 14 days

after receipt of feedback and comments from all of the relevant parties. This engagement may be extended by mutual agreement of the parties and by written addendum hereto.

7. Timing, Fees, and Other Obligations

The Firm's fees for this engagement will be based on the actual time expended at a blended hourly rate of \$___ per hour, which is approximately a __% discount from its standard rates. Firm will cap its total fees for this engagement at \$30,000 (including out-of-pocket expenses), which is payable solely by LPDB; also, in consideration of receiving the Firm's deliverables outlined above, the ABA agrees to share its intellectual capital pertaining to workload studies and guide Firm regarding Time Study and Delphi Process requirements.

8. Principal Contacts

The Clients have designated Project Leader Stephen F. Hanlon to serve as the primary point of contact during the study. ABA has designated Geoffrey Burkhart as its contact. LPDB has designated Jean Faria as its contact.

9. Invoices

Firm will render invoices, with a description of the work performed, monthly and present to Clients for services performed in the prior month. Approved invoices are due and payable within 45 days of the date of the billing statement.

10. Termination

Either the Firm or Clients may terminate this Agreement in whole or part for any or no reason by providing not less than ten (10) calendar days' written notice to the other party. In the event of termination, Firm shall not be entitled to any payments for costs incurred or services provided after the notice of termination becomes effective. Notices will be deemed received as of the date reflected in documentation of delivery, mailed notices will be deemed received as of four business days after mailing.

Firm shall be entitled to full payment for services performed and expenses incurred prior to the effective date of termination and in accordance with the Letter.

11. Intellectual Property

Clients intend to make all materials resulting from this engagement freely available for the benefit of the indigent defense community and consents to such use and distribution. Firm will maintain its rights to all of its intellectual property, but hereby grants to Clients a nonexclusive perpetual license to use as indicated above.

13. Local, State, and Federal Taxes

Firm is responsible for and shall pay all required federal, state, local and other taxes, including income taxes and FICA (Social Security and Medicare Taxes) that may be due as a result of the performance of services under this Letter. Clients will not:

- a. Withhold FICA from Firm's payments or make FICA payments on Firm's behalf;
- b. Make state or federal unemployment compensation contributions on Firm's behalf; or
- c. Withhold state or federal income tax from Firm's payments.

14. Notices

All notices and other communications in connection with this Letter shall be in writing and shall be deemed given as follows:

- a. When delivered personally or by commercial messenger or courier service to the recipient's address as state on this Letter;
- b. Three (3) days after being mailed by U.S. registered or certified mail (return receipt requested), with postage prepaid to the recipient's address as stated on this Letter; or
- c. When sent via facsimile (with receipt confirmation of complete transmission) to the party at the party's address or facsimile number written below or at such other address or facsimile number as the party may have previously specified by like notice.

If to LPDB, to:

If to ABA, to:

American Bar Association
Standing Committee on Legal Aid and Indigent Defendants
Attn: Geoff Burkhart
321 N. Clark Street, 19th Floor
Chicago, IL 60654-7598

If to Project Leader, to:

Stephen F. Hanlon
ADDRESS

If to Postlethwaite & Neterville, APAC
Postlethwaite & Neterville, APAC
8550 United Plaza Blvd., Suite 1001
Baton Rouge, LA 70809

Conclusion

By signing the enclosed copy of this Letter, the parties acknowledge that they have read, understood, and agreed to the terms as set forth in this Letter.

By signing below, the signatories further represent and warrant that they are authorized to approve the terms of this engagement on behalf of the respective party.

Approved By:

Title:

Date:

Approved By:

Title:

Date:

Approved By:

Title:

Date:

THE LOUISIANA PROJECT

A Study of Three Public Defender Offices and
Attorney Workload Standards

MEMORANDUM OF UNDERSTANDING

The American Bar Association

The Louisiana Public Defender Board

12/10/2014

I. Introduction

This Memorandum of Understanding sets forth the methods and party commitments for the Louisiana Project, a data-driven attorney workload study. Workload studies are a critical first step in addressing excessive public defender caseloads. Thus, the Louisiana Public Defender Board (LPDB) and the American Bar Association (ABA) will work with an accounting and consulting firm (Consultant) to conduct a data-driven workload study of three Louisiana Public Defender Offices: the 10th Judicial District Public Defenders’ Office (Natchitoches Parish), the 41st Judicial District Public Defenders’ Office (Orleans Parish), and the 19th Judicial District Public Defenders’ Office (East Baton Rouge Parish) (collectively, “Public Defender Offices”). Applying two empirical methods—a Time Study and a Delphi Study—this Project will not only determine current attorney workloads, but also establish state-specific attorney workload standards. Upon completion, the parties will publish a final report that the LPDB may use for budgeting, case management, and other actions aimed at systemic change.

II. LPDB Commitment

The methods described in this Memorandum require the LPDB to meet certain requirements, including obtaining hardware and software capable of tracking attorney time and case data in formats that allow for data extraction. These and other requirements are described below.

A. LPDB Project Coordinator

The LPDB will appoint a Project Coordinator to serve as the primary point of contact for the LPDB during this Project. The LPDB Project Coordinator will be responsible for coordinating and communicating with the Consultant, the ABA, and with attorneys across the Public Defender Offices.

B. Time-Keeping System

The LPDB will establish and maintain an electronic time-keeping system capable of tracking attorney work according to Case Type and Case Task as follows:

- Approximately 15 to 25 attorney-controllable Case Tasks
- Approximately 5 to 10 non-attorney-controllable Case Tasks
- Non-case-related tasks
- At least 10 unique Case Types
- Time in increments no greater than a quarter of an hour

C. Case Management System

The LPDB will establish and maintain an electronic case management system that meets the following requirements:

- Track cases using the same Case Types as the time-keeping system
- Consist of at least twelve months of system-wide case information
- Use the same system in each public defender office

It would be beneficial if the case management system could capture language barriers, mental health issues, and other complicating factors.

D. Permanent System-Wide Time-Keeping

The LPDB will commit to permanent time-keeping. Time keeping will be:

- Mandatory system-wide (*i.e.*, 100% participation in each of the three public defender offices)
- Consistent across the three public defender offices
- Permanent
- Consistent with the LPDB's case management system

E. Personnel

The LPDB will work with the ABA to select a Consultant that will undertake the primary responsibility of conducting the studies, collecting and analyzing data, and producing a final report. The LPDB will also work with the ABA to select public defenders and private criminal defense attorneys to serve on the Expert Panel for the Delphi Process.

F. Budgeting

The LPDB will fund the Louisiana Project budget, which consists mainly of three categories: (1) Consultant (*i.e.*, accounting firm) costs; (2) travel costs; and (3) ABA costs:

- Consultant costs: \$30,000
- Travel costs: \$17,500
- ABA costs: \$29,000

The Louisiana Project – Memorandum of Understanding

These projected amounts are based on the actual accounting, consulting, and travel costs in the Missouri, Rhode Island, Knox County, and Davidson County workload study projects. Specifically, the Consultant costs are based on the amount accounting and consulting firms in Rhode Island and Tennessee agreed to. This amount assumes the firms' reduction of standard fees for public interest projects. Thus, the specific amount may vary. Travel costs are based on Messrs. Hanlon, Sterling, and Burkhart conducting multiple site visits to each of the Public Defender Offices. ABA costs are inclusive of all ABA personnel costs. Messrs. Stephen F. Hanlon and Peter Sterling are serving this project *pro bono*.

III. ABA Commitment

In the Missouri Project, the ABA, the Missouri State Public Defender, and RubinBrown LLP conducted a data-driven workload study of Missouri's public defender system. That collaboration led to a National Blueprint that can be used by other jurisdictions to conduct similar data-driven workload studies. Stephen F. Hanlon, the Chair of the ABA's Indigent Defense Advisory Group of the Standing Committee on Legal Aid and Indigent Defendants, and Peter Sterling, the General Counsel the Missouri Public Defender, worked closely with RubinBrown throughout that effort. Messrs. Hanlon and Sterling have volunteered to serve on this Project *pro bono*. Using the National Blueprint and the experience of Messrs. Hanlon and Sterling and ABA staff, the ABA ("Technical Assistance Providers") will guide the LPDB and the Consultant as they conduct a data-driven workload study.

A. Project Leader

The Technical Assistance Providers have designated Mr. Hanlon as the Project Leader to serve as the primary point of contact during the study. The Project Leader will be responsible for coordinating and communicating with the LPDB, the Consultant, and other parties as necessary.

B. Groundwork

The Technical Assistance Providers will assist the LPDB in selecting the following:

- Computer hardware and software for case management and time-keeping
- A local accounting and consulting firm capable of performing the statistical analysis and reporting for this workload study
- Case Type and Case Task identifiers to be used throughout this study
- Leading criminal defense lawyers—both public defenders and private criminal defense attorneys—to serve on the Expert Panel for the Delphi Process. This Panel will be selected by a group of distinguished lawyers, judges, and others with knowledge of the conditions of criminal defense in this jurisdiction.

The Louisiana Project – Memorandum of Understanding

The Technical Assistance Providers will use their best efforts to engage RubinBrown LLP, the accounting firm that led the Missouri Project, to work with the Consultant in an advisory capacity in this Project.

C. System Analysis

The Technical Assistance Providers will work with the LPDB and the Consultant to gather preliminary data on the LPDB system, including office size, funding, caseloads, caseload mixes, and organizational structure.

D. Time Study and Delphi Process

The Technical Assistance Providers will help the LPDB and the Consultant conduct the Time Study and Delphi Process as follows:

- Time Study
 - Selecting time-keeping and case management hardware and software
 - Introducing time-keeping to assistant public defenders
 - Troubleshooting time-keeping problems
 - Collecting time study data
- Delphi Process
 - Identifying expert panel members
 - Developing a semi-structured survey instrument
 - Summarizing data for subsequent iterations
 - Conducting a final in-person iteration

E. Reporting

The Technical Assistance Providers will work with the LPDB and the Consultant to create a final written report explaining the Project's methods and results.

IV. Methods

The parties will apply the methods developed by the ABA and RubinBrown LLP in “The Missouri Project”¹ as described in the National Blueprint. To determine current caseloads and workload standards, the parties will perform a four-step process:

- A. System Analysis
- B. Case Type-Case Task Summary
- C. Time Study
- D. Delphi Process

The first two steps—System Analysis and Case Type-Case Task Summary—will lay the groundwork for the study. The last two steps—Time Study and Delphi Process—describe two methods that will, taken together, establish current caseload practices, as well as workload standards. Each of the steps is described below.

A. System Analysis

The parties will gather preliminary data on the LPDB system, including office size, caseloads, caseload mixes, and organizational structure. The parties will arrange site visits, conference calls, and information requests with the LPDB’s offices to gather this information.

B. Case Type-Case Task Summary

Case Type is a way to group offenses of roughly similar complexity. For example, in the Missouri Project, Case Types included murder/homicide, sex felony, AB felony, CD felony, misdemeanor, juvenile, probation violation, and appeals/PCR. We recognize that, within a Case Type, case complexity can vary greatly. However, grouping cases by Case Type is helpful, where it is reasonable to assume, for instance, that a homicide will generally be more complex than a sex felony, and a sex felony more complex than a misdemeanor.

Case Task is a way to group common tasks performed by an attorney. For example, in the Missouri Project, Case Tasks included client communication (in-person, over the phone, in writing, through family); discovery and investigation (prosecutorial discovery disclosure, records and transcripts, depositions and witness interviews, and expert and technical research); and case preparation (legal research, drafting and writing, plea negotiation, court preparation, case management, and alternative sentencing research).

¹ See *The Missouri Project: A Study of the Missouri Defender System and Attorney Workload Standards* (2014). The ABA has also reviewed other workload studies, including the following reports published by National Center for State Courts: Virginia Indigent Defense Commission Attorney and Support Staff Workload Assessment – Final Report (2010); A Workload Assessment Study for the New Mexico Trial Court Judiciary, New Mexico District Attorneys’ Offices, and the New Mexico Public Defender Department – Final Report (2007); and Maryland Attorney and Staff Workload Assessment (2005). See also Elizabeth Neeley, PhD., Lancaster County Public Defender Workload Assessment, University of Nebraska Public Policy Center (2008).

The Louisiana Project – Memorandum of Understanding

Case Type and Case Task will be used in both of the methods—the Time Study and the Delphi Process—applied in this Project. Ultimately, this Project will demonstrate current caseload practices (*e.g.*, the number of minutes it *currently* takes an attorney to conduct legal research in a sex felony case) and establish workload standards (*e.g.*, the number of minutes it *should* take an attorney to conduct legal research in a sex felony case) using the Case Types and Case Tasks identified. Thus, identifying Case Types and Case Tasks is crucial.

The parties will consider the following when identifying Case Types and Case Tasks:

- Case Types and Case Tasks must be consistent with the LPDB’s case management and time-keeping software.
- The greater the number of data points for any Case Type and Case Task combination, the more robust the study. As the number of Case Types and Case Tasks increases, the number of data points for Case Type-Case Task combinations decreases. Thus, Case Type and Case Task combinations should be limited.
- In performing the Delphi Process (see Step D. below), the higher the number of Case Types and Case Tasks, the longer and potentially more complex the Delphi Process becomes.

Attorneys typically have greater control over certain Case Tasks (*e.g.*, trial preparation, legal research, witness interviews) than others (*e.g.*, time spent in court, travel). The ABA will therefore work with the LPDB to separate Controllable and Non-Controllable Case Tasks. For example, in the Missouri Project, Case Tasks were divided as follows:

Controllable Case Tasks

- Client Communication
 1. In Person
 2. Over the Phone
 3. Written
 4. Family/Other Communications
- Discovery/Investigation
 5. State’s Discovery Disclosure
 6. Records and Transcripts
 7. Depositions and Witness Interviews

The Louisiana Project – Memorandum of Understanding

8. Experts and Technical Research
- Case Preparation
9. Legal Research
10. Drafting
11. Plea Negotiation
12. Court Preparation
13. Case Management
14. Alternative Sentencing Research

Non-Controllable Case Tasks

15. In Court – Pretrial
16. In Court – Trial
17. In Court – Appellate Argument
18. Travel
19. Miscellaneous Case Administration

Once Case Types and Case Tasks have been identified and incorporated into case management and time-keeping software, the Time Study can begin.

C. Time Study

The Time Study will track case data according to Case Type and Case Task over a specified period of time. Using this data, the parties and an accounting firm will determine the amount of time attorneys *currently* spend on Case Tasks for a given Case Type.

In the Missouri Project, the Time Study examined workload data collected over a 25-week period. In this Project, the period should be no less than six months. Although the sample period may not capture the full life cycle of any one case, the amount of time necessary can be inferred from the average life of a case as captured in the case management and time-keeping systems.

After the specified time has passed, the parties will do the following:

The Louisiana Project – Memorandum of Understanding

1. Extract data from the time-keeping system for the sample period to show how much time attorneys spent on case-related tasks.
2. Extract case count information from the case management system to calculate average time spent per Case Type.

The Time Study quantifies how attorneys are actually spending their time. Specifically, it will show how much time attorneys spend on a given Case Task for each Case Type. It will not, however, allow the parties to determine the amount of time attorneys *should* be spending to provide competent representation and deliver reasonably effective assistance of counsel. For this, the parties will conduct a Delphi Study.

D. Delphi Process

The Delphi Process will allow the parties to determine the amount of time attorneys *should* spend on given Case Tasks for each Case Type. Specifically, the Delphi Process leverages the expertise of Louisiana criminal defense experts to provide a consensus of the amount of time attorneys *should* expect to spend on a given Case Task for a particular Case Type to provide competent representation and deliver reasonably effective assistance of counsel.

The ABA will work with the LPDB to identify attorneys to serve on an Expert Panel. The Expert Panel should consist of the leading criminal defense lawyers—both public defenders and private criminal defense attorneys—in Louisiana.

The Delphi Process is an iterative study of the time associated with Case Tasks and Case Types. Working with the Consultant, the parties will distribute a semi-structured survey instrument to each member of the Expert Panel, asking them to provide an estimate of the amount of time an attorney should spend on a given Case Task for each Case Type. For example, one of the questions asked in the Missouri Study pertained to in-person client communication (Case Task) for CD felonies (Case Type):

Felony CD Cases

Below you will be asked to provide your estimate of the amount of time that is reasonably required to perform the respective task with reasonable effectiveness. Please enter your response in minutes.

CLIENT COMMUNICATION – IN PERSON – Time for privileged client interviews and consultations conducted face-to-face.

How much time, on average, is reasonably required to perform this task with reasonable effectiveness?

Minutes: _____

(Optional) Please provide an explanation of your time estimate

The Consultant will then summarize the Expert Panel's responses and provide summary statistics to the Expert Panel for the next survey round. During the second iteration, the Expert Panel members will be allowed to revise their estimates.

The survey process is repeated as necessary (often 2-3 iterations). In a final iteration, the parties and the accounting firm will meet in-person with the Expert Panel to discuss a summary of the survey and to reach a group consensus for each Case Type-Case Task combination. At the end of the meeting, the Expert Panel will arrive at final workload standards.

The LPDB should periodically revisit these workload standards to account for changes in technology, client demographics, crime patterns, changes in the criminal code, and changes to staffing and organizational structure.

V. Project Deliverable and Post-Study Action

The parties will produce a final written report and supporting materials. The report will explain the study's methods and results, including workload standards, statistics, and conclusions. The report will also illustrate whether there is a gap between the amount of time attorneys *currently* spend on particular Case Type-Case Task combinations and the amount of time attorneys *should* spend on particular Case Type-Case Task combinations.

VI. Timeline

The ABA, the LPDB, and the Consultant will develop a timeline once the necessary hardware and software are in place and the System Analysis has been completed. The Timeline will include at least the following steps:

- ABA and LPDB sign Memorandum of Understanding
- Conduct System Analysis, including collection of preliminary data, site visits and review of case management and time-keeping software and hardware
- Introduce the Louisiana Project and time-keeping software to attorneys
- Attorneys track time based on Case Type and Case Task for Time Study
- Identify attorneys for Expert Panel and invite them to join

The Louisiana Project – Memorandum of Understanding

- Distribute survey instrument to Expert Panel for first iteration of Delphi Process
- Summarize data from first iteration of Delphi Process
- Distribute survey statistics to Expert Panel for second iteration of Delphi Process
- Summarize data from second iteration of Delphi Process and determine whether a third iteration is necessary prior to an in-person meeting
- Conduct in-person final iteration of the Delphi Process to develop workload standards
- Compile results of Time Study and Delphi Process
- Draft report and distribute to parties
- Publish final report

VII. Meetings and Cooperation

The parties will meet monthly—or more often as needed—either in-person or via conference call to discuss the Project’s progress and address any difficulties that arise. The parties will use their best efforts to make documents and staff available, comply with reasonable requests, and otherwise meet their commitments as set forth in this Memorandum.

NOW THEREFORE, the parties have entered into this MOU, effective on the last date signed by a party, below.

THE AMERICAN BAR ASSOCIATION

By: Alpha Brady
Senior Director Public Services
American Bar Association
321 North Clark Street
Chicago, IL 60654

Date

THE LOUISIANA PUBLIC DEFENDER BOARD

By: 500 Laurel Street, Suite 300
Baton Rouge, LA 70801

Date

Louisiana Workload Study

Roles and Contacts

Name	Title	Contact	Role
Steve Hanlon	Project Leader (<i>pro bono</i>)	[REDACTED]	Oversees project
Jean Faria	Capital Case Coordinator	[REDACTED]	Consulted on major decisions regarding project
Geoff Burkhardt	ABA Project Director	[REDACTED] ([REDACTED])	Serves as ABA staff contact/consultant; assists with day-to-day issues and communication
Peter Sterling	Consultant (<i>pro bono</i>)	[REDACTED]	Consults on selection of case types and case tasks
<u>Orleans Parish</u> Derwyn Bunton	Chief PD	[REDACTED]	Consulted on major decisions regarding project
TBD	Project Coordinators		Consulted on day-to-day issues, including software, training, and case type and task adjustments
<u>East Baton Rouge Parish</u> Michael Mitchell	Chief PD	[REDACTED]	Consulted on major decisions regarding project
TBD	Project Coordinators		Consulted on day-to-day issues, including software, training, and case type and task adjustments
<u>Natchitoches Parish</u> Brett Brunson	Chief PD	[REDACTED]	Consulted on major decisions regarding project
TBD	Project Coordinators		Consulted on day-to-day issues, including software, training, and case type and task adjustments

Communication

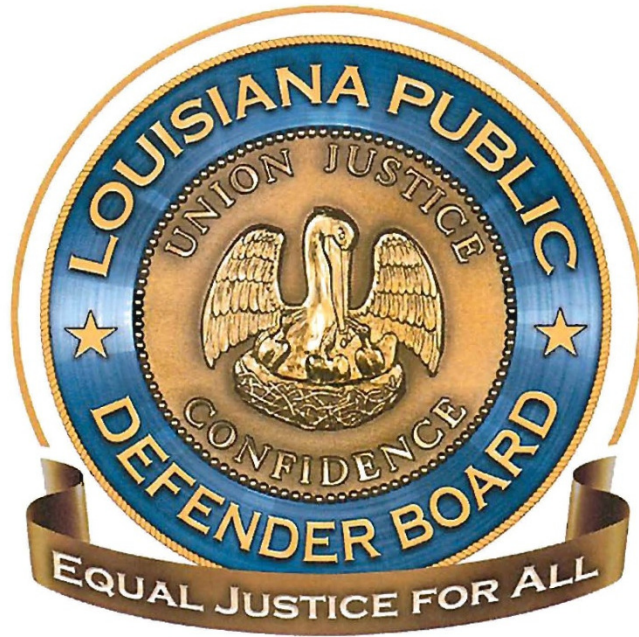
Meeting Type	Participants	Call frequency
ABA Calls	Hanlon, Burkhart, Sterling	Once per month (Burkhart to arrange)
Study Site Calls	Hanlon, Burkhart, Sterling, PD Project Coordinators	Once per month (Burkhart to arrange)
Site Visits	Hanlon, Burkhart, Sterling, Chief PDs, PD Project Coordinators, accounting firm partners as needed	As indicated below; additional visits as necessary and agreed (Burkhart to arrange)

Steps

Action	Task	Responsibility	ABA/NACDL Staff Mode	Estimated Date of Completion
1	ABA and LPDB sign Memorandum of Understanding	Drafting: Burkhart Review: Hanlon, Faria, ABA GC Execution: LPDB, ABA	Remote	March 2015
2	LPDB selects Advisory Board	Faria	Remote	April 2015
3	ABA, LPDB, and Accounting Firm sign Letter of Engagement	Drafting: Burkhart Review: Hanlon, Faria, ABA GC, Accounting Firm Execution: LPDB, ABA, Accounting Firm	Remote	May 2015
4a	Conduct Orleans system analysis; collect preliminary data; review case management and time-keeping software and hardware	Hanlon, Burkhart, Project Coordinators, Accounting Firm	Remote	May-July 2015
4b	Conduct Natchitoches system analysis; collect preliminary data; review case management and time-keeping software and hardware	Hanlon, Burkhart, Project Coordinators, Accounting Firm	Remote	May-July 2015
4c	Conduct East Baton Rouge system analysis; collect preliminary data; review case management and time-keeping software and hardware	Hanlon, Burkhart, Project Coordinators, Accounting Firm	Remote	May-July 2015
5	Identify preliminary case types and case tasks	Hanlon, Faria, Sterling, Burkhart, Project Coordinators	Remote	July 2015
6a	Introduce time-keeping in Orleans and begin preliminary tracking period	Faria, Bunton, Project Coordinators	On site	July 2015
6b	Introduce time-keeping in Natchitoches and begin preliminary tracking period	Faria, Brunson, Project Coordinators	On site	July 2015
6c	Introduce time-keeping in East Baton Rouge and begin preliminary tracking period	Faria, Mitchell, Project Coordinators	On site	July 2015
7a	Initial Orleans site visit to assess early implementation	Hanlon, Faria, Burkhart, Bunton, Project Coordinators	On site	August 2015
7b	Initial Natchitoches site visit to assess early implementation	Hanlon, Faria, Burkhart, Brunson, Project Coordinators	On site	August 2015
7c	Initial East Baton Rouge site visit to assess early	Hanlon, Faria, Burkhart,	On site	August 2015

Action	Task	Responsibility	ABA/NACDL Staff Mode	Estimated Date of Completion
	implementation	Mitchell, Project Coordinators		
8	Refine case types and case tasks	Hanlon, Faria, Sterling, Burkhart, Project Coordinators	Remote	September 2015
9	Finalize case types and case tasks	Hanlon, Faria, Sterling, Burkhart, Bunton, Brunson, Mitchell, Project Coordinators	Remote	September 2015
10a	Begin Orleans Time Study: 6 months of time-keeping by all attorneys according to finalized case types and case tasks; mandatory system-wide	Hanlon, Faria, Burkhart, Bunton, Project Coordinators	Remote	October 2015-March 2016
10b	Begin Natchitoches Time Study: 6 months of time-keeping by all attorneys according to finalized case types and case tasks; mandatory system-wide	Hanlon, Faria, Burkhart, Brunson, Project Coordinators	Remote	October 2015-March 2016
10c	Begin East Baton Rouge Time Study: 6 months of time-keeping by all attorneys according to finalized case types and case tasks; mandatory system-wide	Hanlon, Faria, Burkhart, Mitchell, Project Coordinators	Remote	October 2015-March 2016
11a	Address any issues that arise with Orleans Time Study, including attorney noncompliance and software difficulties	Hanlon, Faria, Burkhart, Bunton, Project Coordinators	On-site & Remote	October 2015-March 2016
11b	Address any issues that arise with Natchitoches Time Study, including attorney noncompliance and software difficulties	Hanlon, Faria, Burkhart, Brunson, Project Coordinators	On-site & remote	October 2015-March 2016
11c	Address any issues that arise with East Baton Rouge Time Study, including attorney noncompliance and software difficulties	Hanlon, Faria, Burkhart, Mitchell, Project Coordinators	On-site & remote	October 2015-March 2016
12	Identify Louisiana criminal defense experts for Delphi panel	Hanlon, Faria, Burkhart, Bunton, Brunson, Mitchell	Remote	December 2015
13	Invite Louisiana criminal defense experts to participate in Delphi panel	Hanlon, Faria, Burkhart	Remote	January 2016
14	Develop survey instrument for Louisiana Delphi Panel	Hanlon, Faria, Burkhart, Sterling, Accounting Firm	Remote	February 2016

Action	Task	Responsibility	ABA/NACDL Staff Mode	Estimated Date of Completion
15	Distribute Round One survey instrument to Louisiana Delphi Panel	Accounting Firm	Remote	March 2016
16	Summarize data from Round One Orleans Delphi Panel survey	Accounting firm	Remote	April 2016
17	Distribute Round Two survey instrument to Louisiana Delphi Panel	Accounting Firm	Remote	May 2016
18	Summarize data from Round Two Louisiana Delphi Panel survey	Accounting Firm	Remote	June 2016
19	Conduct in-person final iteration of Orleans Delphi Process	Accounting Firm, Hanlon, Burkhart	On-site	July 2016
20	Compile results of Louisiana Time Study and Delphi Process	Accounting Firm	Remote	August 2016 – September 2016
21	Draft Louisiana report and distribute to parties	Drafting: Accounting Firm Editing: Hanlon, Faria, Burkhart	Remote	October 2016
22	Publish final Orleans report	Accounting Firm, Hanlon, Burkhart	Remote	November 2016



**LPDB REPORT TO THE
JOINT LEGISLATIVE COMMITTEE
ON THE BUDGET**

MARCH 1, 2015

**LOUISIANA PUBLIC DEFENDER BOARD
500 LAUREL STREET, SUITE 300, BATON ROUGE, LA 70801
TEL: (225) 219-9305
FAX: (225) 219-9326**

LOUISIANA PUBLIC DEFENDER BOARD INTRODUCTION

This report has been prepared in accordance with La. R.S. 15:147(B)(11). The Louisiana Public Defender Board (LPDB), like all Louisiana state agencies, operates on a fiscal year (FY) basis that begins on July 1st of one year and ends on June 30th of the following year. Because La. R.S. 15:147(B)(11) requires the information to be reported on a calendar year (CY) basis, the Board is required to compile data from FY 14 and FY 15.

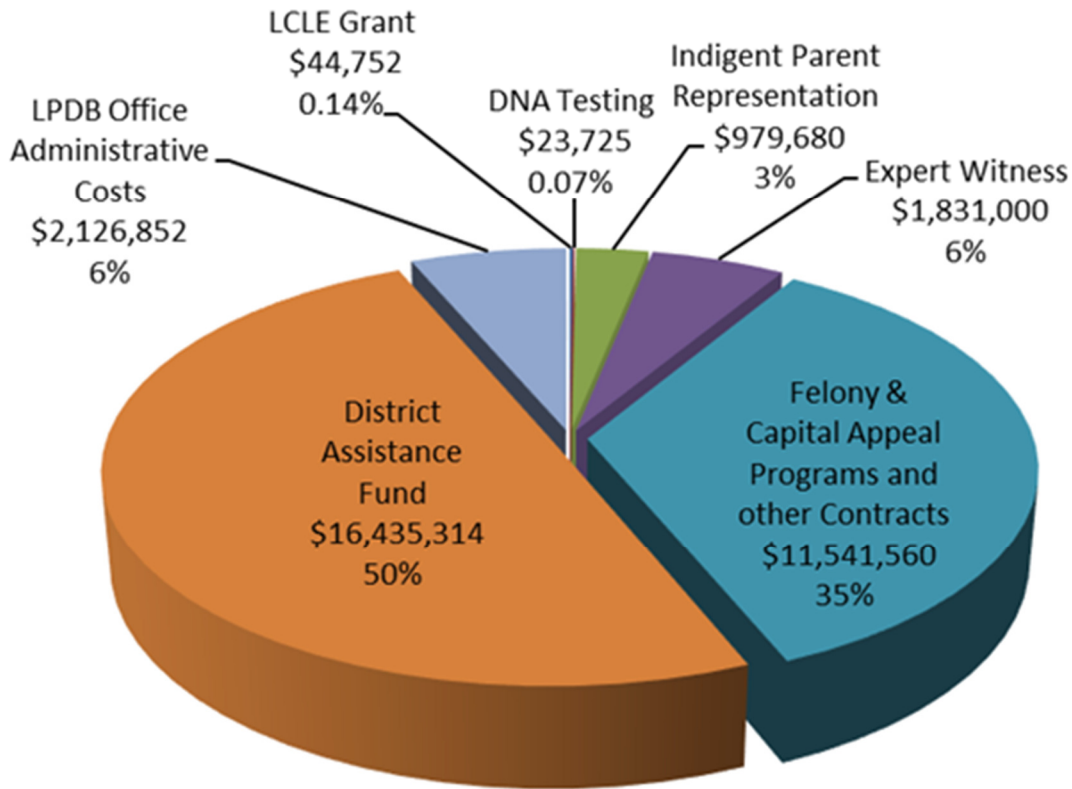
In order to prepare an annual financial report for calendar year 2014, LPDB used data as follows: Act 14 of the 2013 Regular Session has a total means of financing for LPDB of \$33,612,948. For CY 2014 reporting purposes, LPDB expended 29.545% of its appropriation or \$9,329,431 from January 1, 2014 through June 30, 2014 (FY14.) In Act 15 of the 2014 Regular Session, the total means of financing is \$33,810,554. For CY 2014 reporting purposes, LPDB expended 70.455% of its appropriation or \$22,247,717 from July 1, 2014 through December 31, 2014 (FY15).

Louisiana Public Defender Board
CY 2014 Means of Financing and Expenditures *

	January 2014-June 2014	(FY 13-14)	July 2014- December 2014 (FY 14-15)	Total MOF & Expenditures CY 2014
MEANS OF FINANCING:				
FEES & SELF GENERATED	\$	-	\$	-
GRANTS -Byrne Jag	\$	14,749	\$	37,142
STATUTORY DEDICATIONS:	\$	-	\$	-
DNA TESTING POST-CONVICTION FUND (CR5)	\$	19,250	\$	-
INDIGENT PARENT REPRESENTATION FUND(S08)	\$	489,835	\$	976,076
PUBLIC DEFENDER FUND (V31)	\$	8,805,597	\$	21,234,499
TOTAL MEANS OF FINANCING	\$	9,329,431	\$	22,247,717
EXPENDITURES:				
Salaries	\$	511,517	\$	547,040
Other Compensation	\$	63,381	\$	86,610
Related Benefits	\$	229,519	\$	293,511
TOTAL PERSONAL SERVICES	\$	804,417	\$	927,162
Travel	\$	8,761	\$	41,510
Operating Services	\$	181,954	\$	162,733
Supplies	\$	7,687	\$	6,180
TOTAL OPERATING EXPENSES	\$	198,402	\$	210,423
TOTAL PROFESSIONAL SERVICES	\$	112,384	\$	33,369
Other Charges	\$	6,365,581	\$	5,727,139
DNA Testing Post-Conviction	\$	19,250	\$	-
Indigent Parent Representation	\$	489,835	\$	976,076
District Assistance	\$	1,331,148	\$	14,323,168
TOTAL OTHER CHARGES	\$	8,205,814	\$	21,026,383
INTERAGENCY TRANSFERS	\$	6,151	\$	48,540
Acquisitions	\$	2,263	\$	1,840
Major Repairs	\$	-	\$	-
TOTAL OTHER CHARGES	\$	2,263	\$	1,840
TOTAL EXPENDITURES	\$	9,329,431	\$	22,247,717

LPDB FY 2014 Expenditures

(Total: \$32,982,883)



This pie chart graphically depicts the amounts of LPDB expenditures on major line items in the budget for FY14. The program offices provide legal representation in post-conviction, appellate, and capital cases throughout the state and juvenile representation in limited jurisdictions. With one exception, the district offices provide legal representation in all criminal matters in which an adult or a juvenile defendant could face imprisonment or detention and for parents in child-in-need-of-care (CINC) cases throughout the state. The exception is Orleans Parish where juvenile services are provided through the LPDB contract with Louisiana Center for Children's Rights (LCCR). If able, district offices provide legal representation in capital cases.

CY 2014 Revenues and Expenditures

District	Total CY14 State Funds Distributed	State Funds Available for Use in CY14	Total Local Funding Received by Districts in CY14	Combined State and Local Funds Available for Use in CY14	Percent of Total Revenue Funded by State for Use in CY14	Total CY14 Expenditures
1	1,425,463	1,697,750	1,595,281	3,293,031	51.56%	3,412,424
2	121,592	185,623	243,726	429,349	43.23%	386,792
3	198,573	140,040	341,960	482,000	29.05%	564,986
4	750,540	630,085	1,489,565	2,119,650	29.73%	2,360,967
5	140,188	94,809	308,316	403,125	23.52%	549,476
6	143,659	96,615	408,752	505,368	19.12%	507,394
7	231,881	184,737	130,456	315,193	58.61%	324,028
8	166,391	160,700	80,668	241,367	66.58%	229,460
9	246,267	160,993	740,604	901,597	17.86%	1,058,315
10	380,538	347,206	184,238	531,445	65.33%	480,506
11	195,716	233,415	73,583	306,998	76.03%	440,659
12	173,814	94,006	215,793	309,799	30.34%	387,430
13	157,730	185,185	92,319	277,504	66.73%	283,912
14	793,057	1,043,239	1,158,614	2,201,854	47.38%	2,003,261
15	1,269,573	1,608,864	2,290,503	3,899,367	41.26%	3,876,771
16	719,162	662,500	1,271,333	1,933,832	34.26%	1,961,512
17	326,950	297,826	527,376	825,202	36.09%	779,881
18	120,511	107,262	630,316	737,578	0.00%	934,714
19	1,322,214	1,252,289	3,639,774	4,892,062	25.60%	5,385,672
20	108,464	92,390	121,716	214,106	0.00%	298,317
21	1,109,933	890,865	1,817,204	2,708,068	32.90%	2,950,139
22	1,221,146	1,526,521	1,480,025	3,006,546	50.77%	2,966,480
23	243,448	273,727	786,010	1,059,737	25.83%	1,160,105
24	675,457	605,018	2,605,128	3,210,146	18.85%	3,317,709
25	53,542	104,497	168,108	272,605	38.33%	341,793
26	734,288	592,750	740,178	1,332,928	44.47%	1,706,972
27	356,437	340,683	442,325	783,008	43.51%	1,089,116
28	103,962	67,885	70,840	138,725	48.94%	206,408
29	0	0	1,445,913	1,445,913	0.00%	1,147,095
30	77,942	44,384	454,103	498,487	8.90%	618,246
31	67,040	107,478	346,240	453,717	23.69%	571,082
32	430,613	388,732	871,309	1,260,041	30.85%	1,462,815
33	35,452	70,774	184,415	255,189	27.73%	286,436
34	187,839	112,431	139,938	252,368	44.55%	389,951
35	96,165	59,436	107,270	166,706	35.65%	203,229
36	62,899	94,564	283,685	378,249	25.00%	358,874
37	141,974	117,955	42,210	160,164	73.65%	198,276
38	0	0	90,599	90,599	0.00%	83,741
39	66,340	84,996	38,956	123,952	68.57%	130,188
40	33,231	91,661	761,992	853,653	10.74%	704,101
41	2,353,811	2,380,913	3,697,222	6,078,135	39.17%	6,397,924
42	0	0	539,019	539,019	0.00%	433,824
Totals	\$17,043,799	\$17,230,803	\$32,657,581	\$49,888,384	34.54%	\$52,950,981

Local Revenues \$ 32,657,581

State Funds Available for Use in CY 14 \$ 17,230,803

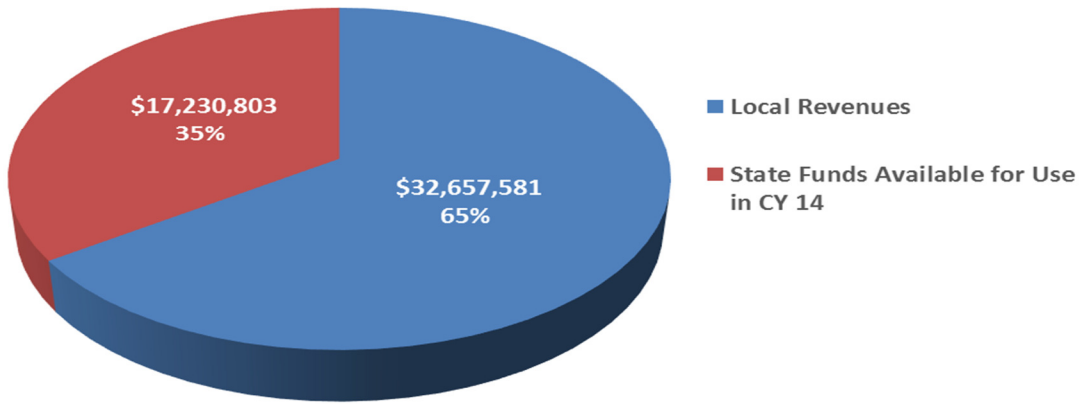
Estimated District Fund Balance Depletions \$ 4,054,372

NOTE: The difference between "CY14 State Funds Distributed" and "State Funds Available for Use in CY14" is an artifact of using parts of two fiscal year disbursements for a single calendar year report.

NOTE: District 41 - CY14 local revenue includes \$931,007 general appropriation from the City of New Orleans.

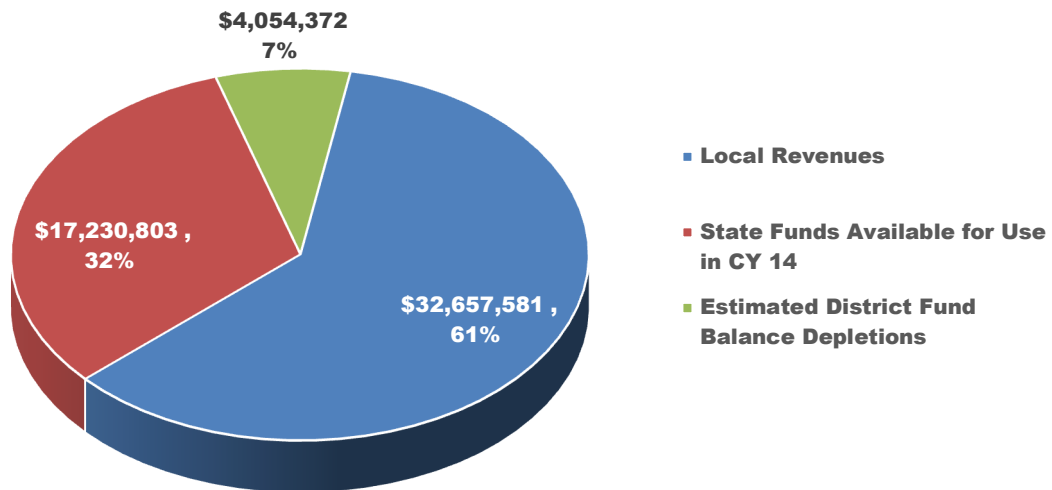
NOTE: Fund Balance Depletion estimated by subtracting district expenditures from available state & local revenues.

Statewide Revenues by Funding Source for CY 2014



Note: Combined sources of all local districts' funding, received from state and local revenues sources CY 2014.

**All Sources of Funding to Cover District Expenditures
CY 2014**



Note: Combined sources of all local districts' funding that were used to pay expenditures incurred during CY 2014. Fund balance depletions are reserves used by the districts to cover the gap between a district's revenues and expenditures.

Chief Salaries, Supervisory Duties and Caseloads Comparative Data

District	District Defender Classification	Chief	Chief Salary (from 2011 Personnel Expend. Rpt.)	Years as District Defender (As of December 2011)	Raw Caseloads (CY11)	Value-Adjusted Caseloads (CY11)	CY11 District Populations	CY10 District Populations	Population Change from CY10	Salary Mean, Standard Deviation	2 Standard Deviations Above and Below Mean (Max & Min Range)
19	DD4	Mike Mitchell	110,880	20	30,511	50,628	440,171	429,073	11,098	112,516 14,166	140,849 84,184
24	DD4	Richie Tompson	139,720	25	10,722	23,517	432,552	431,361	1,191		
41	DD4	Derwyn Bunton	107,252	4	30,103	36,115	343,829				
15	DD4	G. Paul Marx	105,533	21	21,532	42,800	341,350	319,569	21,781		
22	DD4	John Lindner	110,271	2	14,942	33,439	280,908	275,355	5,553		
21	DD4	Reggie MacIntyre	119,600	14	20,970	34,937	260,326	238,701	21,625		
1	DD4	Alan Golden	94,359	15	24,849	43,027	254,969	253,118	1,851	99,052 21,989	143,030 55,075
14	DD3	Harry Fontenot	115,000	3	13,532	26,921	192,768	184,524	8,244		
4	DD3	Mike Courteau	132,000	32	13,028	25,527	181,699	179,020	2,679		
16	DD3	Craig Colwart	66,752	29	13,619	20,425	180,050	178,717	1,333		
26	DD3	Pam Smart	81,250	3	15,752	21,799	158,186	148,571	9,615		
23	DD3	Alan Robert	110,000	5	6,568	14,189	152,738	142,528	10,210		
9	DD3	Glenn Cortello	90,085	1	7,890	14,923	131,613	130,201	1,412	90,189 23,004	136,196 44,181
32	DD3	Tony Champagne	98,280	27	5,202	9,784	111,860	109,348	2,512		
17	DD2	Chris Boudreaux	53,563	6	6,077	9,778	96,318	93,554	2,764		
27	DD2	Ed Lopez	95,124	27	7,997	13,818	83,384	91,528	(8,144)		
18	DD2	Jerome D'Aquila	66,179	41	2,896	5,885	79,977	78,085	1,892		
3	DD2	Lewis Jones	107,504	21	4,007	7,205	69,456	64,821	4,635		
5	DD2	Jim Miller	107,504	23	2,253	3,971	53,096	52,741	355	Steve Thomas's pair of populations create a DD2 equivalence with combined total population of 50,889	
30	DD2	Tony Tillman	78,694	4	2,691	5,162	52,954	46,748	6,206		
29	DD2	Vic Bradley	112,879	16	2,272	4,358	52,780	52,761	19		
2	DD1	Clay Carroll	88,842	10	1,900	3,542	47,822	46,580	1,242	78,237	125,887
40	DD1	Richard Stricks	63,333	18	2,922	5,002	45,924	48,537	(2,613)	23,825	30,587
12	DD1	Brad Dauzat	70,000	5	2,642	4,712	42,073	42,663	(590)	42nd + 11th in DD2 averages	
10	DD1	Brett Brunson	100,380	5	1,810	2,818	39,566	38,719	847	METHODOLOGY NOTE: For dual-district DD salaries (38 & 14, 11 & 42, 7 & 28) each pair of districts are treated as a single district. DD salaries are combined and counted as a single salary to get a clearer average. Further, populations are combined to determine DD category. In this analysis, 11 & 42 increase pop to over 50K, paired districts' populations changed the category in which the salary was to be averaged.	
34	DD1	Tom Gernhauser	89,001	4	4,884	5,969	35,897	15,514	20,383		
20	DD1	Rhonda Covington	90,000	3	895	1,772	35,892	36,457	(565)		
36	DD1	David Wallace	60,000	5	916	1,882	35,654	35,130	524		
13	DD1	Alex Chapman	56,499	8	2,476	4,572	33,984	35,911	(1,927)		
31	DD1	David Marcantel	86,362	11	2,378	4,179	31,594	31,418	176		
7	DD1	Derrick Carson	\$97,337.72	12	1,717	3,195	31,229	30,027	1,202		
42	DD2	Steven Thomas	100,062	14	1,613	3,048	26,656	26,390	266		
33	DD1	David Deshotels	78,400	8	2,015	3,743	25,764	25,447	317		
6	DD1	LeRoy Smith	81,960	18	2,310	4,457	25,104	27,165	(2,061)		
11	DD1	Steven Thomas		14	1,368	2,671	24,233	23,934	299		
25	DD1	Matt Robnett	80,000	1	1,909	3,172	23,042	22,512	530		
35	DD1	Robert Kennedy	84,089	41	680	1,556	22,309	19,879	2,430		
8	DD1	Herman Castete	84,000	13	709	1,273	15,313	15,835	(522)		
28	DD1	Derrick Carson		4	737	1,271	14,890	14,093	797		
37	DD1	Louis Champagne	80,191	12	1,115	1,720	10,132	10,615	(483)		
39	DD1	Brian McRae	39,630	4	470	784	9,091	9,438	(347)		
38	DD1	Harry Fontenot	see Dist 14	1	508	670	6,839	7,792	(953)		
		State Average	90577		293,387	510,216	4,533,992	4,064,380	469,612		

McIntyre in District 21 moved from DD3 to DD4 with increase of over 21,000 people
Tillman in District 30 moved from DD1 to DD2 with an additional 6,200+ people in the district



LOUISIANA PUBLIC DEFENDER BOARD

*Effective: January 13, 2015
Last Updated: March 24, 2015*

Protocol For Management of the Capital Expert Witness Fund

1. Policy

- 1.1 This policy addresses the responsibility of the Louisiana Public Defender Board (“LPDB”) to efficiently and effectively manage the monies designated as the Capital Expert Witness Fund.

2. Purpose

- 2.1 The purpose of this policy is to formalize LPDB’s internal procedures for managing the Capital Expert Witness Fund (“EWF”). This policy defines the responsibilities of staff to effectively track and distribute monies from the Fund.

3. Reviewing Applications for Funding

- 3.1 Upon receipt of a completed application for expert witness funding, the Capital Case Coordinator shall confirm that all relevant and required case information has been entered into LPDB’s statewide case management system.
 - 3.1.1 If the required information is not present in the case management system, the Capital Case Coordinator shall notify counsel that the application will not be accepted until the case management system is up to date.
- 3.2 Applications for expert witness funding will only be considered if signed and dated when submitted by counsel, with a completed application and all necessary documents attached thereto.
- 3.3 Applications for expert witness funding will be reviewed by the Capital Case Coordinator to determine that:

- a. The attorney seeking funding has established that the expert for which funds are being requested is relevant to the defense;
 - b. The requested expert's hourly rate is within the guidelines approved by the Board; and
 - c. The expert's expected maximum number of hours and anticipated travel and other expenses are within reasonable limits.
 - d. That the amount requested does not exceed the amount of available Expert Witness funds.
- 3.4 Upon approval in full or part of the application for expert witness funding, the Capital Case Coordinator shall notify lead counsel in writing and by email that the application has been approved and provide the maximum amount approved.
- 3.5 Upon denial of an application for expert witness funding, the Capital Case Coordinator shall notify lead counsel in writing and by email of the denial and reason for denial.

4. Tracking Approved Expert Witness Funds

- 4.1 Upon approval of an application for expert witness funds, the Capital Case Coordinator shall cause to be entered the pertinent case information, and the date of approval and maximum amount approved, into LPDB's Expert Witness Fund spreadsheet, database, or other tracking system.
- 4.1.1 All applications for expert witness funds will be reviewed to determine whether they are in proper order and meritorious. In the event the request for funding exceeds the amount of the funds available in the Expert Witness Fund, the application shall be placed in a queue and counsel shall be notified by email as to the application's position in the queue.
 - 4.1.2 The applications will remain in the queue in the order in which they were received. Once sufficient funding is accrued to fund the first application for approval, counsel will be notified of the approval and funding for the next application in line will begin to accrue.
- 4.2 All applications for expert witness funds will be reviewed to determine whether they are in proper order and meritorious. In the event the request for funding exceeds the amount of the funds available in the Expert Witness Fund, the

application shall be placed in a queue and counsel shall be notified by email as to the application's position in the queue.

4.3 Expert Witness requests for approval are subject to the availability of funding. While Expert Witness requests for approval may be approved to begin work immediately, they cannot be paid until funds are available.

4.4 Ninety (90) days after approval the Capital Case Coordinator shall contact lead counsel to determine whether the expert has begun work. Thirty (30) days before the funds are to be released, the Capital Case Coordinator shall notify lead counsel that the invoice for the expert must be submitted within thirty (30) days.

4.4.1 One hundred and eighty (180) days following approval of an application for expert witness funds, the Capital Case Coordinator shall notify counsel by letter and by email, with a copy to the expert, that any un-invoiced funds are being released back into the Expert Witness Fund.

4.4.2 Un-invoiced funds are released based on the passing of one hundred and eighty one (181) days following approval, not upon the receipt of a notice letter.

4.5 Should counsel require additional services from the expert after un-invoiced funds are released back into the Expert Witness Fund, the Capital Case Coordinator shall require counsel to submit a supplemental application for expert witness funding. Extensions may be granted for good cause shown.

4.6 Upon release of the un-invoiced funds, the Capital Case Coordinator shall note in LPDB's tracking system the date and amount of the funds being released and the net difference to the Expert Witness Fund.

5 Processing of Invoices

5.2 Upon receipt of an invoice by counsel for payment drawn on previously approved expert witness funds, the Capital Case Coordinator shall ensure that:

- a. The invoice has been reviewed and approved for accuracy and amount by counsel;
- b. The invoice includes counsel's signed affirmation that counsel has reviewed and approved the expert's invoice and that payment is appropriate;

- c. The invoice is for payment of work performed by the expert within the previous sixty (60) days;
 - d. The amount of the invoice, including the total of any previous invoices paid to the same expert, does not exceed the maximum amount approved.
- 5.3 After confirming that all appropriate documentation has been submitted with the invoice, including the Capital Expert Witness Fund Invoice Submission Form executed and signed by counsel, the Capital Case Coordinator shall review the invoice for approval of the amount submitted.
- 5.4 LPDB will consider an invoice for payment only if the invoice is submitted within sixty (60) days of the work being performed by the expert and all required documentation is submitted with the invoice. Absent exceptional circumstances, any invoice submitted after sixty (60) days of work being performed shall be deemed stale and not-payable by LPDB.
- 5.5 Once the invoice has been approved by the Capital Case Coordinator, he/she shall place the invoice in line for payment according to the First In – First Out payment principle.
- 5.6 Upon approval of the submitted invoice for payment by LPDB, the Capital Case Coordinator shall cause to be input the invoice amount, payment approval date, and payment amount into LPDB’s tracking system.
- 5.7 If the amount of the invoice approved for payment is less than the initial maximum amount approved for work, LPDB shall ensure that counsel has indicated in the Capital Expert Witness Fund Invoice Submission Form whether additional work is expected to be performed by the expert.
- 5.7.1 If additional work is expected to be performed by the expert, the Capital Case Coordinator shall cause a notation to be made to that effect in LPDB’s tracking system.
 - 5.7.2 If additional work is not expected to be performed by the expert, the Capital Case Coordinator shall release any un-invoiced funds back into the Expert Witness

Fund and notify counsel in writing and by email of the release.

5.8 Any invoice submitted without all appropriate documentation will be returned to counsel for re-submission. Any required re-submission must be made within sixty (60) days of the work being performed. Absent exceptional circumstances, a re-submission does not extend the time within which invoices must be submitted.

5.9 Invoices must be submitted by counsel, with all appropriate documentation. LPDB will not pay any invoice submitted directly from an expert.

6 Continual and Contemporaneous Tracking of the Expert Witness Fund

6.1 The Capital Case Coordinator shall be responsible for continual and contemporaneous tracking of the Expert Witness Fund, including the balance of approvals for services, invoices pending payment, invoices paid, and total funds remaining available.

6.2 The Capital Case Coordinator shall cease approving applications for expert witness funds should the total amount of approvals plus invoices paid and approved for payment equal the maximum amount available in the Expert Witness Fund.

6.2.1 Should the maximum amount of the Expert Witness Fund be reached, the Capital Case Coordinator shall not approve any additional applications for expert witness funds until and unless additional funds become available by virtue of release of funds for previously approved work or other action of the Board.

6.2.2 In the event that approvals are ceased pursuant to Section 6.2.1 of this protocol, the Capital Case Coordinator shall notify any counsel seeking approval for funds that the maximum amount of the fund has been reached and that no approvals may be granted by LPDB until and unless additional funds become available or other action is taken by the Board. The notification shall estimate the month in which the Expert Witness Fund approval reasonably can be expected.



RESOLUTION

On the 24th day of March, 2015, at a meeting of the Louisiana Public Defender Board (LPDB), held in Baton Rouge, Louisiana, with a quorum of members present, the following business was conducted:

It was duly moved and seconded, that the following resolution be adopted:

WHEREAS, there are districts that will be adversely affected by the present system of disbursing District Assistance Fund (DAF) and Child In Need Of Care (CINC) monies in two stages; and,

WHEREAS, some districts need the entire DAF and CINC monies at the beginning of the fiscal year in order to minimize the effects of their respective Restriction of Services Plan; and,

WHEREAS, in the past the LPDB has disbursed these funds in two payments, one at the beginning of the fiscal year and one prior to the end of the calendar year, and for the 2016 fiscal year it would be prudent to disburse funds in one payment at the beginning of the fiscal year.

BE IT RESOLVED that the District Assistance Fund distribution and the CINC District Assistance Fund Distribution ("the funds") shall be calculated and determined according to previous practices and that the Board and its Staff shall distribute the funds in one disbursement as close to the beginning of the 2016 fiscal year as is reasonably practical.

This resolution shall become effective July 1, 2015.

Signed this 24th day of March, 2015, at Baton Rouge, Louisiana.

Robert Burns, Chairman



RESOLUTION

On the 24th day of March, 2015, at a meeting of the Louisiana Public Defender Board, held in Baton Rouge, Louisiana, with a quorum of members present, the following business was conducted:

It was duly moved and seconded, that the following resolution be adopted:

WHEREAS, it is the Policy of this Board and the law of the State, that District Defenders under contract with the Board are expected to follow the promulgated Service Restriction Protocol (LAC22:XV.Chapter 17).

WHEREAS, many District Defenders are experiencing either fiscal crisis and/or excessive workload and cannot ethically represent their clients as required by the Louisiana Rules of Professional Conduct, all trial performance standards, and the terms of their contracts with the Board.

WHEREAS, line defenders, supervisors, and district defenders have been threatened with sanction for following the Service Restriction Protocol;

BE IT RESOLVED that the Board acknowledges the need to restrict services in the event that a district faces excessive caseloads or financial crisis.

BE IT ALSO RESOLVED that the Board is dedicated to supporting those districts whose financial condition or caseloads necessitate restricting services in order to ensure clients are ethically represented pursuant to the Louisiana Rules of Professional Conduct, that all trial performance standards are met, and that District Defenders are able to comply with the terms of their contracts.

BE IT ALSO RESOLVED that the Board discourages and condemns any action that sanctions a line defender, supervisor, district defender, or member of staff for any action taken by the District or any employee of the District as part of an approved Restriction of Services plan.

I CERTIFY THAT the above and foregoing constitutes a true and correct copy of the resolution resulting from a meeting of the Louisiana Public Defender Board held on the 24th day of March, 2015.

Robert Burns, Chairman

DRAFT



JUVENILE SERVICE RESTRICTION POLICY

PURPOSE OF POLICY

“Juvenile service restriction” is a restriction of public defense services that involves or results in the denial or unusual delay of public defense services to an otherwise-eligible person who is subject to prosecution as a juvenile under Title VII or VIII of the Louisiana Children’s Code or who is subject to prosecution as an adult under La. Ch. C. art. 305 or 857. “Juvenile service restriction” includes, but is not limited to, placing youth on a “waitlist.”

In the event that public defenders must implement a service restriction plan, this policy is to ensure that youth in Louisiana’s juvenile justice system are protected, in accordance with their uniquely vulnerable status.

ADHERING TO CASELOAD LIMITS WITH JUVENILE AND TRANSFER CASES

1. District defenders, in implementing service restriction plans, should not increase caseloads for attorneys beyond the levels that were maintained prior to restriction of services, while adjusting for changes in pay and available resources for attorneys.

PRIORITIZING JUVENILE AND TRANSFER CASES

2. District defenders, in implementing service restriction plans, must not withdraw from representing, or otherwise cease providing public defense services, to any existing clients in any existing juvenile or transfer cases.
3. District defenders, in implementing juvenile service restriction plans, must prioritize services in keeping with the following rules of thumb. Priority should be granted to the following types of cases, in order of priority:
 - a. Transfer cases that carry the possibility of life imprisonment
 - b. Transfer cases that carry the possibility of sex offender registration
 - c. All other transfer cases
 - d. In all non-transfer cases, District Defenders should prioritize appointments in new cases based on the following guidelines:
 - i. Where the accused is in custody, any juvenile charged with a felony should be prioritized over any non-juvenile in custody who is also charged with a felony, unless the non-juvenile is involved with a case that implicates the possibility of sex offender registration or life imprisonment.

- ii. Where the accused is not in custody, any juvenile charged with a felony should be prioritized over any non-juvenile not in custody who is also charged with a felony, unless the non-juvenile is involved with a case that implicates the possibility of sex offender registration or life imprisonment.
- iii. Where the accused is in custody, any juvenile charged with a misdemeanor should be prioritized over any non-juvenile in custody who is also charged with a misdemeanor, unless the non-juvenile is involved with a case that implicates the possibility of sex offender registration.
- iv. Where the accused is not in custody, any juvenile charged with a misdemeanor should be prioritized over any non-juvenile not in custody who is also charged with a misdemeanor, unless the non-juvenile is involved with a case that implicates the possibility of sex offender registration.

REPORTING

4. If a district defender implements a service restriction plan that involves juvenile service restriction, the district defender must report, by the tenth of each month, the following information concerning the previous month to the Juvenile Justice Compliance Officer of Louisiana Public Defender Board:
 - a. The total number of juvenile cases in which the district provided public defense services, disaggregated by new cases received during the month and active-status cases carried into the month;
 - b. The total number of transfer cases in which the district provided public defense services, disaggregated by new cases received during the month and active-status cases carried into the month;
 - c. The beginning and ending caseload – measured on the first and last day of the relevant month – of each attorney providing public defense services in one or more juvenile and/or transfer cases, disaggregated by type of case;
 - d. The number of new juvenile cases, including revocation cases, placed on the district's waitlist during the month, or in which the district otherwise was unable to provide services as a result of a service restriction, disaggregated by custody status of the youth in those cases and by whether the case was pre- or post-disposition;
 - e. The number of new transfer cases placed on the district's waitlist during the month, or in which the district otherwise was unable to provide services as a result of a service restriction, disaggregated by custody status of the youth in those cases;
 - f. The sum total of juvenile cases on the district's waitlist; and,
 - g. The sum total of transfer cases on the district's waitlist.
5. The Juvenile Justice Compliance Officer of Louisiana Public Defender Board shall provide districts subject to restriction of services with an appropriate electronic or paper form for use in reporting under this policy, or shall ensure that the DefenderData Case Management System provides for capturing all of the data points required under this Policy.

6. As long as any district is under juvenile service restriction, Board staff shall report on the effects of the restriction of services on juveniles, at each meeting of the full Board. The report shall include a list of all districts under service restriction and a list of all districts whose service restriction include juvenile service restriction, with a description of those juvenile service restrictions.

DRAFT



RESOLUTION

WHEREAS juvenile delinquency and juvenile status offense defense are essential elements of the Louisiana public defense system;

WHEREAS many districts around the state are in restriction of services or are expected to go into restriction of services in the foreseeable future;

WHEREAS restriction of services is expected to impact juvenile delinquency and juvenile status offense defense;

WHEREAS public defense in the State of Louisiana is chronically underfunded;

WHEREAS the income streams upon which the districts rely is unreliable and out of the direct control of the districts;

WHEREAS children in the juvenile justice system are particularly vulnerable;

WHEREAS incarceration is especially damaging to children and their families;

WHEREAS prompt commencement representation of clients is vital to effective defense of children; and

WHEREAS fully funded high quality representation of juveniles will have a long term beneficial impact on children, families, communities, and the adult criminal justice system;

The Board hereby resolves that staff is to engage stakeholders from around the juvenile defense and public defense community to engage in strategic planning for the future of juvenile defense.

The strategic planning process should produce an attractive and inspiring strategic document that serves as an external communication tool to engage and motivate stakeholders. This plan should craft specific and achievable action steps for responsible parties for three years proceeding the development of the plan and describe a vision for juvenile defense for a number of years beyond that period. Staff shall provide the Board with regular updates on the progress of strategic

planning and on progress made towards fulfilling the adopted strategic plan. Staff shall report on progress on developing, implementing and advancing the goals of the strategic plan at each Board meeting.

Adopted this 24th day of March, 2015, at Baton Rouge, Louisiana

Robert Burns, Chairman

DRAFT



Louisiana Public Defender Board Report of the State Public Defender

To: The Board
Date: March 20, 2015

BUDGET DIVISION

Since the last Board meeting, LPDB has received its FY 16 Budget Recommendation from the Division of Administration's Office of Planning and Budget (OPB). The recommended budget for FY 16 is \$33,383,626. This is a reduction of \$727,708 from the FY 15 budget. The breakdown is as follows:

State General Fund by:

Interagency Transfers	\$104,579
Fees and Self-Generated Revenues	\$17,050
Statutory Dedications	\$33,261,997

On March 17, 2015, OPB informed the agency that the state has begun initiatives and reforms associated with the Governmental Efficiencies Management Support (GEMS) outlined in Preamble, Section 18F of Act 15 of 2014 Regular Session. As a result, LPDB's FY 15 budget has been reduced by \$235,244. The reduction is to cover Procurement and Human Capital Management. The procurement amount (\$232,238) was based on LPDB's FY 14 spending history and the Human Capital amount was based on LPDB agency's head count. A BA-7 has been prepared to relinquish those funds.

The following contracts have been approved:

- **Ross Stewart Owen**, \$120,000 - to provide legal representation in the form of criminal defense services through trial and sentencing in state vs. Tarika Wilson and shall keep the SPD and Board informed of the status of the prosecution and related matters and respond to their inquiries.
- **Robert Noel II**, \$75,000 - provide legal representation in the form of criminal defense services through trial and sentencing that does not include litigation or proceedings arising out of or involving tort or worker's compensation or other civil proceeding outside of the strict confines of the criminal prosecution.
- **J. Anotnio Florence**, \$65,000 - to provide legal representation in the form of criminal defense services through trial and sentencing in the case State vs. Tarika Wilson.
- **J. Anotnio Florence**, \$65,000 - to provide legal representation in the form of criminal defense services through trial and sentencing in the case State vs. Kenneth Willis.

- **Joseph Grassi**, \$30,000 - to represent indigent convicted sex offenders determined to be sexually violent predators or child sexual predators by Sexual Offender Assessment Panel (SOAP) and take steps that are reasonable and necessary to assure that all services are provided constitutionally, ethically, and legally appropriate and proper and take all necessary actions to protect the clients' interest
- **J. Rodney Baum**, \$51,000 - to represent indigent convicted sex offenders determined to be sexually violent predators or child sexual predators by Sexual Offender Assessment Panel and take steps that are reasonable and necessary to assure that all services are provided constitutionally, ethically, and legally appropriate and proper and take all necessary actions to protect the clients' interest.

CAPITAL DIVISION

Statistics

At the time of this writing two offices failed to file their monthly Capital Trial Reports, District Defender James Miller in the 5th Judicial District and District Defender Reginald McIntyre in the 21st Judicial District. Mr. Miller has failed to file 8 reports this calendar year.¹

With the information we do have: There are 80 cases at the trial court level, both pre and post indictment as of March 16, 2015.

Currently there are no cases on the capital trial waiting list.

Expert Witness Fund Update

Currently, properly documented and reasoned requests for expert funds which are granted authorize experts to begin their work in May 2015. At the January 2015 meeting the Board asked the Capital Working Group and Staff review a proposed change to the Protocol For Management of the Capital Expert Witness Fund which would allow all experts (not simply core team member), to begin work immediately. While the experts may begin work immediately, trial counsel must inform the expert that s/he will not be paid until the funding is available.

As of March 16, 2015, \$846,459.62 has been encumbered; \$120,097.19 has been released and returned to the fund due to staleness; \$89,796.09 is the remaining balance available through June 30, 2015. We started FY 15 with \$16,158.52 from FY 14. From FY 14 funds, \$30,301.10 has been released up to this point.

If the Board approves the change to the protocol above, a properly documented request for approval for an expert witness approved today would be paid in May, 2015. As you recall, the total amount of the fund is \$600,000. At your last meeting you approved an additional \$200,000 for the fund and staff is proposing an additional \$55,000 be added to the fund to cover the CAPOLA cases the Board is now responsible for. Once that amount of \$855,000 is reached, in the absence of the return of stale funds, the fund will be depleted.

Capital Punishment Fiscal Impact Commission

Former Trial Level Compliance Officer, John Di Giulio, represents the State Public Defender and the Board on the Capital Cost Committee, co-chaired by Senators J. P. Morell and Robert Kostelka.

¹ Mr. Miller filed his December capital report on January 6, 2015.

Mr. Di Giulio reports that there are three subcommittees which have been formed. He and District Attorney John DeRosier (14th JDC-Calcasieu) are co-chairing the defense cost subcommittee. Former LPDB Board member, Mr. James Boren is a member of the prosecution subcommittee.

At the second meeting of the Defense Cost subcommittee, Mr. James Craig co-director of the Roderick and Solange MacArthur Justice Center in New Orleans, and an expert in capital defense, presented a power point slide show to the subcommittee regarding the state of death penalty law, the Louisiana Guidelines, the Louisiana Performance Standards, United States Supreme Court opinions, the Rules of Professional Responsibility and the American Bar Association Supplementary Guidelines for the Mitigation Function of Defense Teams In Death Penalty Cases (2008) and the ABA Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases (2003). Copies of the power point are available upon request.

CAPOLA Assessment & Litigation

At the Board's request an Executive Summary of the second CAPOLA Assessment was drafted and delivered to the Board.

At this writing, CAPOLA currently has three cases: *State v. Kenneth Willis* before Judge O'Callahan in Caddo Parish, *State v. Stacey Blount-Juneau* in Caddo Parish, and *State v. Robert Barthelemy* before Judge Beasley in Sabine Parish. There is a fourth case, *State v. Tarika Wilson* before Judge Dorroh in Caddo Parish. However, she relieved CAPOLA as counsel of record and appointed Elton Richey and Jay Florence in their individual capacities, without CAPOLA support or resources. Mr. Richey subsequently moved to withdraw from both the Willis and Wilson matters. Those motions were granted. Mr. Florence was assigned to all four cases as trial associate counsel.

LPDB appointed Mr. Robert Noel as trial lead counsel in Mr. Willis' case and has entered into a contract for legal services with him. He has asked that Mr. Florence stay on that case as trial associate counsel. LPDB has entered into a legal contract for services with Mr. Florence to continue representing Mr. Willis.

As to Ms. Wilson's case, LPDB appointed Mr. Ross Owen and Mr. Michael Thiel as co-trial lead counsel. Mr. Florence has asked to stay on this case. LPDB has entered into contracts for legal services with each attorney. Additionally, LPDB will provide funding for core team members selected by counsel. Funding for core team members is provided for in each of lead counsel's separate contract.

CAPOLA has taken the position that their reserve fund balance of over \$600,000 is "already earned" and they will not use the funds to defray the cost of representing the capital defendants whom LPDB previously has appointed them to represent. CAPOLA seeks to keep the reserve fund balance comprised solely of state funding and filed Citizen litigation seeking additional compensation from July 1, 2014 through the present for representing LPDB clients.

LPDB filed a Petition for Declaratory Judgment, and Injunctive Relief and Petition for Accounting on the state contract, in the Nineteenth Judicial District. CAPOLA has retained counsel, Robert Kutcher from Chopin, Wagar, Richard & Kutcher in Metairie which filed responsive pleadings including a re-conventional demand.

On December 23, 2014, Judge Beasley in the 11th JDC (Sabine) signed an order requiring LPDB to pay CAPOLA all unreimbursed expenses associated with *State v. Barthelemy* "including, but not limited to, salaries, wages, and other compensation for attorney and non-attorney personnel, travel, hotel, *per diem* expenses, expert expenses, and all *pro rata* overheard expenses directly or indirectly incurred; . . ."

On Tuesday, January 6, 2015, LPDB received an invoice from CAPOLA “[p]ursuant to Judge O’Callaghan and Judge Beasley’s rulings . . .” for \$323,801.87. A Motion for Entry of Stay and Notice of Intention to File Writs were filed with the district court on Thursday, January 8, 2015.

Other Litigation Involving the Capital Division

On December 30, 2014, the First Circuit Court of Appeal granted LPDB’s motion to file an amicus brief in the *Finister multi* (17)-defendant, non-capital racketeer influenced and corrupt organization (RICO) state case. The First Circuit granted the state’s writ and denied defendant Turner’s Motion to Strike. The effect of the ruling is that the matter is remanded to the district court, the stay is lifted until such time as there is a hearing that complies with *Citizen*.

On December 21, 2014 the “State of Office of the Public Defender” [sic] was served with a “Motion to Determine Source of Funds to Provide Competent Defense” in *State v. Cornelius Wilson*, Docket Numbers: 10-13-1034, 10-12-0480 and 10-13-1033, 19th JDC, Parish of East Baton Rouge. This is a separate multi (15) -defendant, non-capital RICO state case.

The Capital Case Coordinator received subpoenas and/or subpoenas duces tecum and testified in *State v. Jeremy Wilson* in Washington Parish and *State v. Lee Turner*, East Baton Rouge Parish.

She also testified as a witness regarding expert witness funding in *State v. Kenneth Wilson*, in Caddo Parish. This led to a money judgment against the Board for costs associated with the defense of Mr. Willis. The Board and staff had no notice, had never been served with a pleading indicating that it might be cast in judgment for costs, no representation and no right to be heard. Our counsel at Stone Pigman filed a Motion for New Trial, which was denied. Our counsel filed a Writ on our behalf on January 5, 2015, after the court produced a written ruling. The Second Circuit recently converted the writ to an appeal. Designation of the record was filed March 15, 2015 by Stone Pigman.

Angola Five

The Capital Case Coordinator is responsible for oversight of the Angola Five contracts and billing. Letty Di Giulio and William Sothern, representing David Brown, were successful in winning a new penalty phase for their client, David Brown.

State Capital Plan

Records collection of all capital cases over the last five years, essentially, is completed. Working with the Louisiana Capital Assistance Center and their fellow, Sophia Harris, we are finalizing the data regarding capital charging and indictment trends to develop the state capital plan, required by statute.

We have updated all of the district capital plans and are beginning to sift through the data to determine how best to cover the location and number of cases in the system.

Weighted Case Load Study

The Capital Division has received a draft contract from the American Bar Association for technical assistance on the weighted cases load study. Peter Sterling, former General Counsel to the Missouri Public Defender and Stephon Hanlon, (who created the Missouri Blueprint http://www.americanbar.org/content/dam/aba/events/legal_aid_indigent_defendants/2014/lsc_sclaid_5c_the_missouri_project_report.pdf) and Norman Lefstein are offering their services pro

bono, asking for reimbursement of expenses only. LPDB would be responsible for the services provided by ABA staff member Geoffrey Burkhardt, and his expenses. Staff will be seeking Board approval for this contract at the March meeting.

With the help of Rubin Brown and Steve Hanlon, staff has identified Postlethwaite & Netterville as the local accounting firm to provide the accounting services. Staff has contacted the firm and they are interested in assisting us. We hope to be able to negotiate a very low fee contract with the firm. Staff requests that the Board approve this contract for services.

Code of Criminal Procedure Revision Committee

Both the State Public Defender and the Capital Case Coordinator attending the December 18, 2014 Code of Criminal Procedure Revision Committee held at the L.S.U. law center. Associate Justice Knoll and Senator Robert Kostelka were both in attendance.

Pro se post-conviction petitions and capital shell petitions were the topics discussed. The five hour meeting proved to be barren ground for consensus on the issues.

ITM Improvements for the Capital Division

Work with LSU Information Systems and Decision Sciences Department is continuing on streamlining monthly capital trial reports and expert witness requests, tracking and invoicing.

JUVENILE DIVISION

Since January 13, 2015, the Juvenile Division has held its annual Juvenile Defender Training and been involved in a variety of other areas. On January 27-29, attorneys from around the state and one social worker came to the Radisson Hotel in Baton Rouge, where they participated in hands-on training on a variety of topics related to juvenile delinquency/FINS defense and child welfare parent defense. The three day event included a full delinquency and FINS curriculum and a two-day parent representation curriculum. LPDB staff recruited a mix of in-state and out-of-state trainers, taking special care to emphasize in-state trainers more greatly than in the past while still exposing trainees to out-of-state perspectives. Louisiana defenders who served as trainers included SPD James Dixon, DPD-DJDS Richard M. Pittman, Necole Williams, Janet Brown, Kay Franks, Lisa Harrell, Elizabeth Toca, Joshua Perry, Hector Linares, Elizabeth Coe, Carol Kolinchak, Amanda Trosclair, and Paul Marx, as well as Louisianans from outside of the defender community Cheri Deitsch, Mark Harris, and Rebecca May-Ricks. They were joined by out-of-state trainers Cathryn Crawford of Austin, Jennifer Lutz of Philadelphia, Diana Rugh Johnson of Atlanta, and Darice Good of Atlanta.

Deputy Public Defender-Director of Juvenile Defender Services Richard M. Pittman attended a meeting of the Children's Code Committee of the Louisiana Law Institute on February 27, 2015, as a voting member where the Committee recommended passage of an amendment to the state's mandatory reporter law that would clear a significant obstacle to public defender offices hiring and incorporating social workers into their practice. On March 13, 2015, DPD-DJDS Pittman also attended the full meeting of the Louisiana Law Institute in which the provision was passed unanimously. Many defenders were instrumental in developing this proposal and working for its recommendation, including Carol Kolinchak, Joshua Perry, and Meghan Garvey of the Louisiana Center for Children's Rights and Board Member Hector Linares.

On January 23, 2015, DPD-DJDS Pittman and Rachel Gassert of LCCR met with a contingent from the Department of Children and Family Services regarding the process of licensing and inspecting juvenile detention centers.

On February 24, 2015, DPD-DJDS Pittman and Director of Legislative Affairs - Juvenile Justice Compliance Officer Dr. Tiffany Simpson attended the Juvenile Justice Reform Act Implementation Commission meeting held at the Louisiana Supreme Court. DPD-DJDS Pittman acts as proxy for SPD Dixon on the Commission. The Commission heard presentations from the Office of Juvenile Justice on youth services, the Department of Education and Recovery School District on school discipline, Department of Health and Hospitals and Megellan Health on the Coordinated System of Care, the Department of Children and Family Services and Louisiana Juvenile Detention Association on Juvenile Detention Standards and Licensing, and from the Louisiana Center for Children's Rights on the Juvenile Justice Reform Act's Mandate and on Juvenile Indigent Defense.

DPD-DJDS Pittman has been active in promoting cross-disciplinary training in the child welfare field by being on the Pelican Center Training Committee Workgroup, which has held two meetings since the last Board Meeting. The Pelican Center is emphasizing quality representation as a means to reduce the number of children in foster care. Other child welfare stakeholder organizations in which the juvenile division is involved include the CARE Committee, the CIP Advisory Committee, and the Children's Justice Act Committee.

The Juvenile Division has assisted in completing 4 site visits using the new comprehensive site visit protocol since the last Board Meeting. DLA-JJCO Dr. Tiffany Simpson went to the 1st district, the 26th district, the 19th district, and the 22nd district. DPD-DJDS Pittman also went to the 1st district and the 19th district, and has also gone to the 28th district and the 8th district as part of the site visit protocol. DLA-JJCO Simpson is the staff person primarily responsible for planning and coordinating site visits and completing the assessment protocol and district recommendations.

The Juvenile Division is active in planning upcoming training on Juvenile Life Without Parole representation. This field is expanding in scope since the Supreme Court's ruling in Miller v. Alabama that states may not automatically sentence offenders to life without parole for offenses committed before the age of 18.

The Juvenile Division continues to maintain and monitor a list serve for juvenile and parent attorneys to share ideas and request for support. Since January 13, 2014, there have been 111 posts to the list serve.

Program Development and Resource Management

The PDRM Division spearheaded and coordinated the production and dissemination of the 700+ page LPDB 2014 Annual Report by compiling over 120 individual reports from the 42 districts offices in just over two weeks (two days ahead of schedule). PDRM staff assisted the legal division on producing the JLCB report (LPDB Report to the Joint Legislative Committee on the Budget) by providing charts and graphics to be included in the report, as well as posting the report to the LPDB website.

The PDRM Division continues to utilize the recently developed Restriction of Services (ROS) Calculator program, which allows the LPDB staff to enter data from a district's ROS plan and get instantaneous feedback regarding the viability of the plan from both caseload change perspective and the financial solvency perspective. The PDRM manager analyzes district revenues and expenditures to produce solvency projections for all districts; providing estimated shortfall dates of when districts may deplete their fund balances. PDRM staff created a new database ROS case result

and status; as well as generated numerous ad hoc caseload and workload reports on various topics such as caseloads and finances for districts going into ROS.

PDRM staff have completed DAF calculations for FY16, and have provided districts with their tentative approximate DAF and CINC amounts. PDRM staff has tested and deployed the FY16 pro forma Budget documents to the database, and notified districts of the April deadline to submit their pro forma Budgets. This financial management tool will give districts comparative percentages of last year's and the current year's budgets and permit them to offer the best estimate of their expenditures for the coming year. Using the preview report function, districts can test different pro forma amounts and preview and edit them before submitting their pro forma Budgets to LPDB.

PDRM staff continued to edit the draft of the 80-plus page Request for Proposals for the next 5-year contract for the case management system software-as-a-service bid. State Information and Technology is reviewing the RFP and will let us know the status soon. The PDRM manager attended numerous meetings: budget, ROS, office move, and participated as an invited focus group member for the U.S. D.O.J. "Right to Counsel and Indigent Defense" research agenda development round-table in Arlington, Virginia.

Training Division

This spring, the Leadership Training was limited to the Executive Directors of the non-profit programs. All of the Executive Directors of the non-profits received an informal survey regarding the leadership and management topics relevant to them. Patrick Virgadamo, an attorney with the Legislative Auditors office, discussed the governance issues regarding 501(c)3/IRS rules and the interplay between Louisiana state law and contracts and the 501(c)3s' own boards. Jeff Sherr, training director for the state of Kentucky trained on how to be a manager and supervisor when a director carries caseloads at or in excess of state and national standards.

LPDB trained delinquency attorneys on Case Management, Developing a Theory of the Case, Cross-Examination, FINS Advocacy, Transfer Advocacy, Detention Advocacy, Challenging Juvenile Statements, and Defending Sex Cases. Parent attorneys could attend Trauma-Informed Representation and Client-Centeredness, Alternative Explanations for Child Injuries, *Daubert* in the CINC Courtroom, and a full-day training on Advocacy in the Safety-Focused Courtroom. In addition, LPDB offered a small-group session in which trainees could choose between sessions on Probable Cause Advocacy, Navigating the Interstate Compact for the Placement of Children, The Challenge of Miller, Supporting Best Practices for Supervisors, and Drug Testing Science. A total of 54 defenders attended training, and trainee feedback was extremely positive.

State Public Defender

We are now into our ninth month of the fiscal year. At present we have five districts in restriction of services (ROS): 19th (East Baton Rouge Parish), 20th (East and West Feliciana Parishes), 26th (Bossier and Webster Parishes), 28th (LaSalle Parish) and 30th (Vernon Parish). Their ROS plans have been finalized and implemented. We will have three more districts in ROS as of April 1, 2015: 1st (Caddo Parish), 8th (Winn), and 39th (Red River). Those plans have been submitted and are expected to be finalized upon completion of a site visit. Additionally, we have notified the 12th (Avoyelles Parish) and the 34th (St. Bernard Parish) that they appear to be ROS candidates. We are still working with stakeholders in the criminal justice system to craft a funding source that will provide a reliable, stable, and adequate resources to everyone in the system.

When a district submits an ROS Plan, the Administrative Code requires that LPDB staff conduct a site assessment on said district so as to more closely monitor districts in financial distress. We have continued our site visits throughout the state, including East Baton Rouge, East and West Feliciana, Bossier/Webster, St. Tammany and Winn. We have also sent our auditor to monitor the financial status of Bossier/Webster Parishes, St. Tammany Parish and Allen Parish and have scheduled a visit to Grant Parish. We continue to monitor all districts closely for any change in circumstances that might necessitate further restrictions throughout the state and will provide financial assistance to financially compromised districts, if possible.

We have continued our Outreach and have met with various entities to discuss our fiscal challenges. We have conducted meetings with judges in the following jurisdictions: 2nd (Claiborne/Bienville/Jackson), 3rd (Union/Lincoln), 19th (East Baton Rouge), 36th (Beauregard), and 39th (Red River). In Red River, the meeting with the Chief Judge also included the local District Attorney and legislative contingent from that Parish. Staff has also made two presentations to local stakeholder groups. We made a presentation before the 22nd JDC Bar Association and the Rotary Club for Ascension Parish. We have also met with officials from the Office of Juvenile Justice to discuss the ramifications of ROS on Child in Need of Care proceedings.

Staff continues to work with the Capital Punishment Fiscal Impact Committee and has provided documents to that agency to explain expenditures, caseloads, case assignments, and the status of capital cases in this state. We will meet with the Louisiana District Attorney Association President Hillar Moore and Executive Director Pete Adams to discuss the fiscal challenges faced by LPDB.

Finally, LPDB has been working closely with the Division of Administration (DOA) to finalize our budget for FY16. As is well documented, the state budget for the next fiscal year faces severe shortages. Staff has worked very closely with DOA and has made severe cuts to our operating budget for the next fiscal year. The DOA, in return, has left the balance of our budget essentially intact. At this point, we do not expect any cuts to DAF or program funding for FY16. This fact is reflected in the budget submitted to the legislature and presently included in HB 1. We hope to be able to protect our funding, so that no further cuts are made.